

FEDERAL REGISTER

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

VOLUME 5 NUMBER 59

Washington, Tuesday, March 26, 1940

The President

EXECUTIVE ORDER

DEFINING CERTAIN VITAL MILITARY AND NAVAL INSTALLATIONS AND EQUIPMENT

WHEREAS section 1 of the act of January 12, 1938, 52 Stat. 3, provides:

"That, whenever, in the interests of national defense, the President shall define certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary. Any person found guilty of a violation of this section shall upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment."

NOW, THEREFORE, by virtue of the authority vested in me by the foregoing statutory provisions, and in effectuation of the purposes of the said act of January 12, 1938, I hereby define the following as vital military and naval installations or equipment requiring protection against the general dissemination of information relative thereto:

1. All military or naval installations and equipment which are now classified, designated, and marked under the authority or at the direction of the Secretary of War or the Secretary of the Navy as "secret", "confidential", or "restricted", and all military or naval installations and equipment which may hereafter be so classified, designated, and marked with the approval or at the di-

rection of the President, and located within:

(a) Any military or naval reservation, post, arsenal, proving ground, range, mine field, camp, fort, yard, station, district, or area.

(b) Any defensive sea area heretofore or hereafter established and existing under authority of section 44 of the United States Criminal Code, as amended by the act of March 4, 1917, 39 Stat. 1194 (U.S.C., title 18, sec. 96).

(c) Any airspace reservation heretofore or hereafter established and existing under authority of section 4 of the Air Commerce Act of 1926 (44 Stat. 570, U.S.C., title 49, sec. 174).

(d) Any naval harbor closed to foreign vessels.

(e) Any area required for fleet purposes.

(f) Any commercial establishment engaged in the development or manufacture of military or naval arms, munitions, equipment, designs, ships, or vessels for the United States Army or Navy.

2. All military or naval aircraft, weapons, ammunition, vehicles, ships, vessels, instruments, engines, manufacturing machinery, tools, devices, or any other equipment whatsoever, in the possession of the Army or Navy, or in the course of experimentation, development, manufacture, or delivery for the Army or Navy, which are now classified, designated, and marked under the authority or at the direction of the Secretary of War or the Secretary of the Navy as "secret", "confidential", or "restricted", and all such articles, materials, or equipment which may hereafter be so classified, designated, and marked with the approval or at the direction of the President.

3. All official military or naval books, pamphlets, documents, reports, maps, charts, plans, designs, models, drawings, photographs, contracts, or specifications, which are now marked under the authority or at the direction of the Secretary of War or the Secretary of the Navy as "secret", "confidential", or "restricted", and all such articles or equipment which

CONTENTS

THE PRESIDENT

Executive Order:	Page
Vital military and naval installations and equipment, defining	1147

RULES, REGULATIONS, ORDERS

TITLE 7—AGRICULTURE:	
Agricultural Adjustment Administration:	
Wheat, farm acreage allotment for 1941 crop.....	1148
TITLE 10—ARMY: WAR DEPARTMENT:	
Regular Army Reserves, regulations amended.....	1149
TITLE 24—HOUSING CREDIT:	
Federal Savings and Loan System:	
Dissolution of association, amendment.....	1150
TITLE 29—LABOR:	
Wage and Hour Division:	
Shoe manufacturing and allied industries, wage rates	1150
TITLE 41—PUBLIC CONTRACTS:	
Division of Public Contracts:	
Fertilizer Industry, minimum wage determination amended	1151

NOTICES

Civil Aeronautics Authority:	
Pennsylvania-Central Airlines Corp., hearing	1181
Uraba, Medellin and Central Airways, Inc., hearing.....	1181
Department of Agriculture:	
Agricultural Adjustment Administration:	
Agricultural conservation, 1940 program:	
Belknap and Coos Counties, N. H.	1151
Licking County, Ohio.....	1172
New London and Windham Counties, Conn.....	1158
York County, Maine.....	1164

(Continued on next page)



Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

CONTENTS—Continued

Department of Agriculture—Con. Rural Electrification Administration:	Page
Allocation of funds for loans (3 notices).....	1180
Amendment of prior allocations (2 notices).....	1179
Department of Labor:	
Wage and Hour Division:	
Learners certificates, issuance for various industries (2 notices).....	1180, 1181
Leather industry, resignation and appointment to committee.....	1180
Federal Trade Commission:	
Hearings:	
Goldman, Louis.....	1182
Pollard, W. C., et al.....	1182
Securities and Exchange Commission:	
Adams, Charles True, etc., findings and order.....	1182
Educational Pictures, Inc., hearing.....	1183
General Telephone Corp., order granting application.....	1183
Kansas Power and Light Co., hearing.....	1184
New England Power Association, order approving application.....	1182

may hereafter be so marked with the approval or at the direction of the President.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
March 22 1940.

[No. 8381]

[F. R. Doc. 40-1220; Filed, March 23, 1940;
12:09 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE CHAPTER VII—AGRICULTURAL AD- JUSTMENT ADMINISTRATION

[Wheat 41-1]

PART 728—REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS FOR THE 1941 CROP OF WHEAT*

CONTENTS

Sec.	
728.211	Applicable provisions of the Act.
728.212	Method of determining farm acreage allotments.
(a)	Farms upon which wheat was seeded for harvest in at least one of the years 1938, 1939, and 1940.
(b)	Farms upon which wheat was not seeded for harvest in at least one of the years 1938, 1939, and 1940.
728.213	Opportunity to furnish data.
728.214	Instructions and forms.
728.215	Definitions.

By virtue of the authority vested in the Secretary of Agriculture by Section 375 of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938), as amended, I do make, prescribe, publish, and give public notice of the following regulations governing farm acreage allotments for the 1941 crop of wheat under Title III of said Act, to be in force and effect until rescinded, amended, or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

§ 728.211 *Applicable provisions of the Act.* Section 334 (c) of the Act provides as follows:

The allotment to the county shall be apportioned by the Secretary, through the local committees, among the farms within the county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 per centum of such county allotment shall be apportioned to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made.

The amount of the national acreage allotment is provided for by section 333 of the Act, the amount of the State acreage allotment by section 334 (a) of the Act, and the amount of the county acreage allotment by section 334 (b) of the Act.*

§ 728.212 *Method of determining farm acreage allotments—(a) Farms upon which wheat was seeded for harvest in at least one of the years 1938, 1939, and 1940—(1) Tillable acres and crop rotation practices.* As the basis for apportionment for the first two factors (tillable acres and crop-rotation practices) specified in section 334 (c) of the Act, the county committee shall first deter-

mine for each farm a "usual" acreage of wheat. This acreage shall be the average annual acreage of wheat seeded for harvest (plus the acreage determined by the county committee to have been diverted from the production of wheat under the agricultural adjustment and conservation programs) during three or more consecutive years of the period 1935-1940, determined pursuant to instructions issued by the Administrator of the Agricultural Adjustment Administration. However, if, with respect to any farm, the county committee finds that the acreage seeded to wheat in any of the years in such period (a) was abnormally low due to extreme flood or drought, (b) is not typical of the farm for 1941 due to customary crop-rotation practices, a change in such practices, or a change in the acreage of cropland in the farm, or (c) was abnormally high due to failure of crops other than wheat, such year shall be eliminated in determining the usual acreage of wheat for such farm. If for any of such years no data are available, such year shall also be eliminated.

For any farm for which all the years in the applicable period are thus eliminated, the usual acreage of wheat shall be determined by the county committee on the basis of tillable acres and crop-rotation practices; this usual acreage shall be based on the usual acreage for similar farms in the county or community, or the indicated usual acreage described in the next following two sentences. This indicated usual acreage shall be determined by multiplying the acreage of cropland on such farm in 1940 by the ratio of wheat acreage to cropland which was determined, or could have been determined, for this purpose under the regulations pertaining to the establishment of 1940 farm wheat acreage allotments. If for any county or community such ratio does not appear representative of the usual ratio of wheat acreage to cropland for farms on which wheat was seeded for harvest in 1938, 1939, or 1940, the ratio for such county or community shall be determined by dividing the average annual acreage seeded to wheat for harvest in 1937, and 1938, including any additional years that may have been included under the provisions of the preceding paragraph, by the 1940 cropland on farms on which wheat was seeded for harvest in 1938, 1939, or 1940.

(2) *Type of soil and topography.* For farms with respect to which the variation in the adaptation of the soil for the production of wheat and the topography of the cropland from the average for the county or the community is not reflected in the usual acreage of wheat for the farm, such usual acreage shall be adjusted by the county committee so as to reflect such variation in the type of soil and topography: *Provided*, That the adjustment in the usual acreage on

* §§ 728.212 to 728.215 issued under the authority contained in sec. 334 (c), 375 (b), 52 Stat. 54, 66: 16 U.S.C., Sup. IV, 1334 (c), 1375 (b).

the basis of the type of soil and topography shall not exceed 25 per cent.

Inasmuch as the usual acreage used in determining 1940 farm allotments is an adjusted average of the seeded plus diverted acreages for a period of years applicable for the determination of the usual acreage pursuant to these regulations, this 1940 usual acreage may be used as the usual acreage described in paragraph (a) (2) of this section. Since in any county the 1940 allotments are merely a constant times the 1940 adjusted usual acreage, they may, if mechanically more convenient, be used for the usual acreage described in paragraph (a) (2) of this section. If the usual wheat acreage determined for any farm in accordance with the two next preceding sentences is not representative of the farm for 1941, the usual wheat acreage for such farm for 1941 shall be determined in accordance with these regulations without regard to said two sentences.

(3) *Adjustment to county acreage allotments.* The usual acreages of wheat determined under subparagraphs (1) and (2) of this paragraph (a), adjusted pro rata to equal the county allotment minus appropriate reserves, shall be the farm acreage allotments for farms on which wheat was seeded for harvest in at least one of the three years 1938, 1939, and 1940.

(b) *Farms upon which wheat was not seeded for harvest in at least one of the years 1938, 1939, and 1940.* The county committee shall determine wheat acreage allotments for farms upon which wheat was not seeded for harvest in any of the years 1938, 1939, and 1940 but for which wheat acreage allotments are requested for 1941 prior to a date set by the State Committee or Regional Director as affording reasonable opportunity for requesting such allotments. Such allotments shall compare with those determined under paragraph (a) of this section for farms which are similar with respect to tillable acreage, type of soil, and topography: *Provided*, That the wheat acreage allotment for any such farm shall not exceed the wheat acreage allotment requested for the farm: *And provided further*, That the sum of all such farm acreage allotments in the county shall not exceed 3 per centum of the county acreage allotment. For any such farm on which the seeded wheat acreage is less than the allotment determined pursuant to the above provisions, the final allotment shall be decreased to the seeded acreage.*

§ 728.213 *Opportunity to furnish data.* Each person owning or operating a farm in the county may submit to the county committee any information or data which is relevant to the factors to be taken into consideration by the county committee in establishing farm acreage allotments.*

§ 728.214 *Instructions and forms.* The Administrator of the Agricultural Adjustment Administration shall cause

to be prepared and issued with his approval such instructions and such forms as may be required to carry out these regulations.*

§ 728.215 *Definitions.* As used in these regulations and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires:

1. *Act* means the Agricultural Adjustment Act of 1938 and any amendments thereto.

2. *Secretary of Agriculture* means the Secretary of Agriculture of the United States.

3. *Administrator* means the Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture.

4. *State Committee* means the group of persons designated within any State to assist in the administration of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act.

5. *County Committee* means a committee utilized for the county under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act.

6. *Farm* means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(i) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land, and

(ii) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

7. *Cropland* means farm land which in 1940 was tilled or was in regular rotation, excluding restoration land and any land which constitutes or will constitute if such tillage is continued a wind-erosion hazard to the community and excluding also, except in the Southern Region, any land in commercial orchards or perennial vegetables.*

Done at Washington, D. C., this 22d day of March, 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-1206; Filed, March 22, 1940; 2:06 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 63—REGULAR ARMY RESERVES¹

§ 63.11 *Discharge before expiration of enlistment.* (a) When in an inactive status, * * *

(2) By direction of the corps area commander—

(vii) Upon failure to complete and return the required report on W.D., A.G.O. Form No. 189 (Report of Regular Army Reservist for Payment of Allowances) within fifteen days after the end of each period of four months counting from the date of enlistment or reenlistment. Unless there are reasons to the contrary, such discharges may be considered as under honorable conditions. (52 Stat. 221; 10 U.S.C. 343) [Par. 16a (2) (b) 7, A.R. 155-5, Feb. 16, 1939, as amended by Cir. 30, W.D., 1940]

§ 63.15 *Individual reports.* Report of home address, physical condition, availability for service, right thumbprint, etc., will be submitted to the corps area commander every four months, counting from the date of enlistment, by each member of the Regular Army Reserve while in inactive status. The required report will be in the form of a postal card addressed to the corps area commander and will be prepared at corps area headquarters with name and address, and mailed to the Reservist at his last recorded home address at the end of each four-month period of the individual's enlistment, for completion, signature, and return. (52 Stat. 221; 10 U.S.C. 343) [Par. 20a, A.R. 155-5, Feb. 16, 1939, as amended by Cir. 30, W.D. 1940]

§ 63.16 *Payment of enlistment allowance while in inactive status.* Members of the Regular Army Reserve in inactive status will be paid their enlistment allowance in installments for each four-month period counting from the date of enlistment or reenlistment, at the rate of \$24 per annum, or \$2 per month. Payment will be prorated for a fraction of four-month period, or month, when discharged or ordered to active duty before completion thereof. An enlistment allowance installment will become due and payable upon the submission of the report to the corps area commander, under the provisions of § 63.15. Service in the Regular Army Reserve not on active duty will confer no right to pay, longevity pay, retirement or retired pay, or any other emoluments upon members thereof except the enlistment allowance at the rate of \$24 per annum, or \$2 per month, and when qualified and accepted for active duty upon proper orders, an additional sum at the rate of \$3 per month for each month they have been enlisted in the

¹ §§ 63.11, 63.15, and 63.16 (4 F.R. 2069) are amended.

Regular Army Reserve but not to exceed \$150. Members of the Regular Army Reserve will be come entitled to pensions only due to disability incurred while on active duty in the service of the United States. Active duty for such purposes will be deemed to begin on the date of acceptance for such duty following compliance with the order to report for active duty and will terminate when relieved or discharged from such duty. (52 Stat. 221; 10 U.S.C. 343) [Par. 28a, AR 155-5, Feb. 16, 1939, as amended by Cir. 30, W. D., 1940]

Certified to be a true copy of the original.

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-1221; Filed March 25, 1940;
10:33 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER II—FEDERAL SAVINGS AND LOAN SYSTEM

PART 204—MERGER, REORGANIZATION, DIS- SOLUTION AND LIQUIDATION

AMENDMENT PROVIDING FOR THE METHODS BY WHICH A FEDERAL SAVINGS AND LOAN ASSOCIATION MAY DISSOLVE

Be it resolved, That no hearing having been requested in accordance with the provisions of subsection (d) of § 201.2 of the Rules and Regulations for the Federal Savings and Loan System after opportunity therefor has been allowed in accordance with subsection (b) thereof, subsection (a) of § 204.2 of the Rules and Regulations for the Federal Savings and Loan System is amended as follows, effective March 22, 1940:

1. Subparagraph (1) is amended to read as follows:

"(1) For the Federal Savings and Loan Insurance Corporation to be appointed, in accordance with the provisions of sections 405 and 406 of the National Housing Act, as amended (48 Stat. 1259, 49 Stat. 299; 12 U.S.C. 1728, 1729), and pertinent regulations of such Corporation, as receiver for the purpose of liquidation."

2. A new subparagraph (4) is added at the end of such subsection, reading as follows:

"(4) For dissolution in such other manner as may be proposed by the directors and approved by the Board and which appears to be to the best interest of all concerned."

(Secs. 5 (a), (d) of H.O.L.A. of 1933, 48 Stat. 132, 133; 12 U.S.C. 1464 (a), (d))

Adopted by the Federal Home Loan Bank Board on March 20, 1940.

J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-1207; Filed, March 22, 1940;
2:45 p. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 554—MINIMUM WAGE RATES IN THE SHOE MANUFACTURING AND ALLIED IN- DUSTRIES

IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 6 FOR A MINI- MUM WAGE RATE IN THE SHOE MANUFAC- TURING AND ALLIED INDUSTRIES

Whereas, on March 16, 1939, pursuant to section 5 of the Fair Labor Standards Act of 1938, hereinafter called the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor by Administrative Order No. 18, appointed Industry Committee No. 6 for the Shoe Manufacturing and Allied Industries, hereinafter called the Committee, and directed the Committee to recommend minimum wage rates for the Shoe Manufacturing and Allied Industries in accordance with the provisions of section 8 of the Act; and

Whereas the Committee included nine disinterested persons representing the public and a like number of persons representing employees in the Shoe Manufacturing and Allied Industries, and a like number representing employers in the Industries, and each group was appointed with due regard to the geographical regions in which the Shoe Manufacturing and Allied Industries are carried on; and

Whereas, on November 20, 1939, after investigation of conditions in the industry, the Committee filed with the Administrator a report containing its recommendation for a 35-cent an hour minimum wage rate in the Shoe Manufacturing and Allied Industries; and

Whereas after notice published in the FEDERAL REGISTER on November 22, 1939,¹ Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., which commenced on December 11, 1939, and at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer was transmitted to the Administrator; and

Whereas all persons appearing at said public hearing before the Presiding Officer were given leave to file briefs on or before February 12, 1940; and

Whereas oral argument was held on March 5, 1940, before the Administrator; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to sections 5 and 8, concludes that the Industry Committee recommendation for the Shoe Manufacturing and Allied Industries, as defined in Admin-

istrative Order No. 18, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Administrator's Findings and Opinion in the Matter of the Recommendation of Industry Committee No. 6 for a Minimum Wage Rate in the Shoe Manufacturing and Allied Industries," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, Washington, D. C.;

Now, therefore, it is ordered that

§ 554.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved and, in accordance with such recommendation.*

§ 554.2 *Wage rates.* Wages at a rate not less than 35 cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Shoe Manufacturing and Allied Industries who is engaged in commerce or in the production of goods for commerce.*

§ 554.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Shoe Manufacturing and Allied Industries shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.*

§ 554.4 *Definition of shoe manufacturing and allied industries.* The Shoe Manufacturing and Allied Industries, to which this Order shall apply, are hereby defined as follows:

(a) The manufacture or partial manufacture of footwear from any material and by any process except knitting, vulcanizing of the entire article or vulcanizing (as distinct from cementing) of the sole to the upper.

(b) The manufacture or partial manufacture of the following types of footwear, subject to the limitations of paragraph (a) but without prejudice to the generality of that paragraph:

Athletic shoes.

Boots.

Boot tops.

Burial shoes.

Custom-made boots or shoes.

Moccasins.

Puttees, except spiral puttees.

Sandals.

Shoes completely rebuilt in a shoe factory.

Slippers.

*§§ 554.1 to 554.5, inclusive, issued under the authority contained in Sec. 8, 52 Stat. 1064; 29 U.S.C., Sup. IV, 208.

¹ 4 F.R. 4661.

(c) The manufacture from leather or from any shoe-upper material of all cut stock and findings for footwear, including bows, ornaments, and trimmings.

(d) The manufacture of the following types of cut stock and findings for footwear from any material except from rubber or composition of rubber, molded to shape:

Outsoles.	Shanks.
Midsoles.	Boxtoes.
Insoles.	Counters.
Taps.	Stays.
Lifts.	Strippings.
Rands.	Sock Linings.
Toplifts.	Heel pads.
Bases.	

(e) The manufacture of heels of any material except molded rubber, but not including the manufacture of wood-heel blocks.

(f) The manufacture of cut upper parts or footwear, including linings, vamps, and quarters.

(g) The manufacture of pasted shoe stock.

(h) The manufacture of boot and shoe patterns.*

§ 554.5 *Effective date.* This Wage Order shall become effective April 29, 1940.*

Signed at Washington, D. C., this 23rd day of March, 1940.

PHILIP B. FLEMING,
Colonel, Corps of Engineers.
Administrator.

[F. R. Doc. 40-1223; Filed, March 25, 1940; 11:24 a. m.]

TITLE 41—PUBLIC CONTRACTS

CHAPTER II—DIVISION OF PUBLIC CONTRACTS

IN THE MATTER OF AN AMENDMENT TO THE DECISION OF THE SECRETARY OF LABOR OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE FERTILIZER INDUSTRY

This matter is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," (hereinafter called the Act).

In accordance with the provisions of the decision in the Matter of the Prevailing Minimum Wages for the Fertilizer Industry, dated August 15, 1939 (4 F.R. 3804 DI), on November 6, 1939, a notice of opportunity to show cause why that decision should not be amended to conform to the minimum wage required by the Fair Labor Standards Act of 1938 with respect to the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas, and to show cause why the minimum wage established for those States should not

be amended to be 30 cents an hour or \$12.00 per week of forty hours, was sent to all known members of the industry in the above named States (4 F.R. 4530 DI).

No objections to the proposed action were filed by any member of the industry.

In the light of these facts I hereby determine:

The prevailing minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), for the manufacture or supply of superphosphates and concentrated superphosphates; and for the manufacture or mixing of concentrated fertilizer from superphosphates, potash and ammoniates, to be 30 cents an hour or \$12.00 per week of forty hours, to be arrived at either upon a time or piece work basis, for the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas.

This determination shall be effective and the minimum wage hereby established shall apply to all such contracts, bids for which are solicited on or after April 19, 1940.

This determination supersedes the determination dated August 15, 1939, only in so far as they are inconsistent.

Dated, March 20, 1940.

[SEAL] FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 40-1217; Filed, March 23, 1940, 11:02 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[NER-400-B]

THE AGRICULTURAL CONSERVATION PHASE OF THE 1940 UNIFIED PROGRAM FOR BELKNAP AND COOS COUNTIES, NEW HAMPSHIRE

CONTENTS

- Sec. I. Allotments, Usual Acreages, Yields, Payments, and Deductions.
- II. Soil-Building Goals, Soil-Building Allowance, and Practices.
- III. Division of Payments and Deductions.
- IV. Increase in Small Payments.
- V. Payments Limited to \$10,000.
- VI. Deductions Incurred on Other Farms.
- VII. Deductions for Association Expenses.
- VIII. Materials Furnished as Grants of Aid.
- IX. General Provisions Relating to Payments.
- X. Application for Payment.
- XI. Appeals.
- XII. Definitions.
- XIII. Authority and Availability of Funds.

Payments and grants of aid will be made for participation in the Agricultural Conservation phase of the Unified Program for Belknap and Coos Counties, New Hampshire (hereinafter referred to as the 1940 program) in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made.

The provisions of the regular 1940 Agricultural Conservation Program are not applicable in Belknap and Coos Counties.

SECTION I. ALLOTMENTS, USUAL ACREAGES, YIELDS, PAYMENTS, AND DEDUCTIONS

A. Corn

1. *Usual acreage of corn for grain.* Usual acreages of corn for grain shall be determined for all farms for which a payment is computed with respect to a potato acreage allotment and on which the usual acreage of corn for grain is more than 10 acres.

The usual acreage of corn for grain shall be determined on the basis of the average annual acreage of corn harvested for grain and diverted therefrom during the years 1937, 1938, and 1939, with appropriate adjustments for crop rotation practices.

The sum of the usual acreages of corn for grain determined for such farms in a county shall not exceed the sum of the average annual acreages of corn harvested for grain and diverted therefrom on such farms during the years 1937, 1938, and 1939.

2. *Deduction.* (Any farm for which a potato allotment is determined.) \$10 per acre of corn harvested for grain in excess of the larger of the usual acreage of corn for grain determined for the farm or 10 acres.

B. Potatoes

1. *National goal.* The 1940 national goal for potatoes is 3,100,000 to 3,300,000 acres.

2. *National and State acreage allotments.* The national and State potato acreage allotments will be established by the Secretary.

3. *County acreage allotments.* County acreage allotments of potatoes shall be determined by the Agricultural Adjustment Administration with the assistance of the State committee by distributing the State acreage allotment of potatoes among the counties in the State on the basis of the acreage allotments determined under the 1939 program, taking into consideration trends in acreage on commercial potato farms and the acreage of potatoes on noncommercial farms.

4. *Farm acreage allotments.* A potato acreage allotment shall be determined by the county committee with the assistance of other local committees in the county in accordance with instructions contained in NER-417-P for each farm for which the normal acreage of potatoes is determined to be three acres or more. No potato acreage allotment shall be less than 3 acres unless it is reduced because there was planted on the farm in 1940 less than 90 percent of the farm's potato allotment.

Potato acreage allotments shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, production facilities, and the acreage of potatoes customarily grown on the farm. The

potato acreage allotment for any farm shall compare with the potato acreage allotments for other farms in the same community which are similar with respect to such factors.

If less than 90 percent of the farm's potato allotment is planted, the potato allotment will be reduced to 110 percent of the acreage planted.

The sum of the potato acreage allotments determined for all farms (including those not participating in the program) in a county shall not exceed the county potato acreage allotment. The sum of the potato acreage allotments determined for farms participating in the 1940 program shall not exceed their proportionate share of the county potato acreage allotment.

5. *Normal Yields.* The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a potato acreage allotment is determined or a deduction is computed a normal yield for potatoes in accordance with the following provisions and instructions contained in NER-417-P:

a. The normal yield of potatoes for any farm shall be determined on the basis of the yields of potatoes made on the farm with due consideration for type of soil, production practices, and the general fertility of the land.

b. The average yield for all farms in any county shall not exceed the county yield established by the Secretary.

6. *Payment.* 3 cents per bushel of the normal yield of potatoes for the farm for each acre in its potato allotment.

7. *Deduction.* 30 cents per bushel of the normal yield for the farm for each acre planted to potatoes in excess of the larger of the potato allotment or 3 acres.

SECTION II. SOIL-BUILDING GOALS, SOIL-BUILDING ALLOWANCE, AND PRACTICES

A. *National Goal.* The national goal is the conservation of the cropland not required in 1940 for the growing of soil-depleting crops, the restoration, insofar as is practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops; and the carrying-out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

B. *County Goals.* Insofar as practicable, county goals shall be determined for particular soil-building practices which are not routine farming practices in the county and which are most needed in the county in order to conserve and improve soil fertility and to prevent wind and water erosion.

C. *Farm Goals.* Insofar as practicable, the county committee shall determine for individual farms practices to be followed which are not routine farming practices on the farm, but which are needed on the farm in order to conserve and improve soil fertility and prevent wind and water erosion and which will

tend to accomplish the goals, if any, determined for the county with respect to particular soil-building practices.

D. *Woodland Rehabilitation Allowance.* Each farm shall have a woodland rehabilitation allowance of \$60 which may be earned for the elimination of fire hazards, improving the remaining stand of trees, and providing for the restoration of a full stand of trees on woodland which constitutes a serious fire hazard as a result of hurricane damage, provided such work is done with the prior approval of the county committee and in accordance with such approved system of farm woodland management as is specified by the Agricultural Adjustment Administration. Payment at the rate of \$4 for each acre on which this work is correctly done will be allowed toward earning the woodland rehabilitation allowance.

This allowance is not included in the soil-building allowance.

E. *Pasture Improvement Allowance.* Each farm on which there are at least 4 bovine animal units will have a pasture improvement allowance of 200 pounds of ground limestone and 30 pounds of triple superphosphate for each bovine animal unit on the farm at the time request is made by the farmer for the materials in the pasture improvement allowance.

Any dairy or beef animal that has reached the age of 2½ years or has freshened shall be considered one bovine animal unit. Any dairy or beef animal younger than this but over 6 months of age shall be considered as one-half a bovine animal unit.

This pasture improvement allowance is in addition to the soil-building allowance and may be used only for carrying out the following practices on noncrop open pasture land which has been approved in advance by the county committee and from which the brush has been properly cleared:

Practice No. P-1

The application to each one-tenth (1/10) acre of noncrop open pasture land of 200 pounds of ground limestone furnished by the Agricultural Adjustment Administration under the pasture improvement allowance.

The cost of this material will be deducted from any other payment otherwise earned on the farm if (1) practice No. P-2 is not applied to the same acreage or (2) there is not carried out on an equal acreage of other noncrop open pasture land Practices No. 3-B or 3-C and 5-B or 5-C.

Practice No. P-2

The application to each one-tenth (1/10) acre of the noncrop open pasture land on which Practice No. P-1 was carried out of 30 pounds of triple superphosphate furnished by the AAA under the pasture improvement allowance.

The cost of this material will be deducted from any payment otherwise earned on the farm if (1) the triple superphosphate furnished for this practice

is not applied to the same land on which practice No. P-1 is used or (2) there is not carried out on an equal acreage of other noncrop open pasture land practices No. 3-B or 3-C and 5-B or 5-C.

If any material furnished under the pasture improvement allowance is disposed of or used for purposes other than carrying out approved soil-building practices, twice the cost of the material will be deducted from any payment otherwise earned on the farm.

F. *Woodland Improvement Allowance.* Each farm on which no part of the pasture improvement allowance is used will have a woodland improvement allowance of \$6 in addition to the soil-building allowance.

This woodland improvement allowance may be earned by improving the stand of forest trees under a system of farm woodland and wildlife management which is approved in advance by the county committee and includes thinning, weeding, or partial cutting, or any combination of these which is needed.

At least 100 good timber trees or trees which can become good timber trees must be left free to grow and must be well scattered on each acre of woodland improved. At least two-thirds of a complete crown canopy must also be left on each acre of woodland improved.

Payment at the rate of \$3 per acre will be allowed toward earning the woodland improvement allowance.

G. *Soil-Building Allowance.* A soil-building allowance will be computed for each farm and will represent the largest amount which can be earned on any farm by carrying out soil-building practices.

1. The soil-building allowance for any farm on which the sum of the following items is \$20 or more shall be equal to that sum:

a. 70 cents per acre of cropland in excess of the potato allotment.

Cropland means farm land which in 1939 was tilled or was in regular rotation excluding any land in commercial orchards.

b. \$2 per acre of commercial orchards on the farm January 1, 1940.

Commercial orchards means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1940, from which the principal part of the production is normally sold. This definition does not include non-bearing orchards and non-bearing vineyards.

c. 40 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland.

Fenced noncrop open pasture land means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number of grouping of any trees or shrubs is such that the land could not fairly be considered as

woodland and which is capable of maintaining during the normal pasture season at least one animal unit for each five acres.

Animal unit means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

2. The soil-building allowance for any farm on which the total of the cropland, orchard, and pasture items is less than \$20, shall be the larger of:

a. The sum of items 1a, 1b, and 1c listed in subsection G above, or

b. The amount obtained by subtracting the sum of the maximum allotment payments computed from \$20.

H. Soil-Building Practices. The soil-building practices listed in the following schedule shall count toward earning the soil-building allowance to the extent indicated therein when such practices are not disapproved for the farm by the county committee and are carried out under the provisions of the 1940 program during a period November 1, 1939, to October 31, 1940, inclusive, in accordance with the specifications contained herein.

If one-half or more of the total cost of carrying out any practice is represented by labor, seed, trees, or materials furnished by a State or Federal agency other than the Agricultural Adjustment Administration, the practice shall not be counted toward earning the soil-building allowance. If less than one-half of the total cost of carrying out any practice is represented by labor, seed, trees, or materials furnished by a State or Federal agency other than the Agricultural Adjustment Administration, one-half of the practice shall be counted toward earning the soil-building allowance. Labor, seed, trees, and materials furnished to a State, a political subdivision of a State, or an agency thereof by any agency of the same State shall not be deemed to have been furnished by "a State ----- agency" within the meaning of this paragraph.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to have been paid for in whole or in part by a State or Federal agency.

The rates of payment listed below are the maximum rates allowable, and the rates of payment for any practice included may be adjusted downward by the State committee with the approval of the Agricultural Adjustment Administration in order to reflect relatively lower costs or relative desirability of the practice.

Schedule of Soil-Building Practices

Practice No. 1—Seeding Permanent Pasture Mixtures

Rate of payment. \$3 per acre. The seeding of a permanent pasture mixture of which at least 2 pounds per acre is white Dutch or ladino clover, or of which at least 1 pound is wild white clover. Five pounds of alfalfa seed may be sub-

stituted for 1 pound of white Dutch or ladino clover seed or for one-half pound of wild white clover seed.

If the stand is unsatisfactory, a soil test or other evidence satisfactory to the county committee must be submitted to show that enough lime and fertilizer were applied to establish ordinarily a good stand.

Practice No. 2—Reseeding Established Pastures

Rate of payment. \$1.50 for each 10 pounds of seed. The reseeding of depleted established pastures with good seed of adapted pasture grasses or grasses and legumes.

If the stand is unsatisfactory, a soil test or other evidence satisfactory to the county committee must be submitted to show that enough lime and fertilizer were applied to establish ordinarily a good stand.

Practice No. 3—Applying Available Phosphoric Acid

Rate of payment. \$1.50 for each 48 pounds. The application of available phosphoric acid in connection with the seeding of biennial or perennial legumes, perennial grasses, winter legumes, green manure crops in orchards, or permanent pastures, or as a top dressing on orchard, pasture, hay land sod, or green manure crops in orchards.

When phosphoric acid is used on a nurse crop which is harvested for grain, payment will be allowed only for the amount used over 32 pounds per acre.

Practice No. 3-A—Applying Triple Superphosphate Furnished by the Agricultural Adjustment Administration

Rate of payment. \$1.50 for each 100 pounds of triple superphosphate. The application of triple superphosphate in connection with the seeding of biennial or perennial legumes, perennial grasses, winter legumes, green manure crops in orchards or permanent pastures, or as a top dressing on orchard, pasture, hay land sod, or green manure crops in orchards.

This triple superphosphate shall not be used on a nurse crop which is to be harvested for grain.

Practice No. 3-B—Applying Available Phosphoric Acid for Pasture Improvement

Rate of payment. \$1.50 for each 48 pounds. The application to each one-tenth ($\frac{1}{10}$) acre of non-crop open pasture land of at least 14 pounds of phosphoric acid which is purchased by the farmer. Credit will not be allowed for practice No. P-1 or P-2 under the pasture improvement allowance unless this phosphoric acid (or superphosphate under 3-C) is applied to the same acreage of pasture land on which practice No. 5-B or 5-C is also carried out.

Practice No. 3-C—Applying Triple Superphosphate Furnished by the Agricultural Adjustment Administration

Rate of payment. \$1.50 for each 100 pounds of triple superphosphate. The application to each one-tenth ($\frac{1}{10}$) acre of non-crop open pasture land of at least 30 pounds of triple superphosphate which is furnished by the Agricultural Adjustment Administration under the soil-building allowance. Credit will not be allowed for practice No. P-1 or P-2 under the pasture improvement allowance unless this superphosphate (or phosphoric acid under 3-B) is applied to the same acreage of pasture land on which practice No. 5-B or 5-C is also carried out.

Practice No. 4—Applying Available Potash

Rate of payment. \$1.50 for each 75 pounds. The application of available potash in connection with the seeding of biennial or perennial legumes, perennial grasses, winter legumes, or permanent pastures, or as a top dressing on orchard, pasture, or hay land sod.

Practice No. 5—Liming Cropland, Pasture Land, or Orchards

Rate of payment. \$5 for each. (1) 2,000 pounds of standard ground or standard pulverized limestone;

(2) 1,000 pounds of calcium oxide neutralizing equivalent in hydrated lime or quicklime; or

(3) 3,500 pounds of field-dug marl.

The application per acre to cropland, pasture land, or orchards, of at least (1) 1,000 pounds of pulverized or ground limestone, (2) 750 pounds of hydrated lime, (3) 1,750 pounds of field-dug marl, or (4) 500 pounds of quicklime.

Standard ground or standard pulverized limestone is limestone which analyses at least 50 percent calcium oxide neutralizing equivalent, 100 percent of which will pass through a 20-mesh sieve, and which contains all of the fine material produced in the grinding.

Quantities of other liming materials approved by the State committee may be used.

Practice No. 5-A—Liming Cropland, Pastures, or Orchards With Liming Material Furnished by the Agricultural Adjustment Administration

Rate of payment. \$5 for each 2,000 pounds of standard ground or standard pulverized limestone. The application to cropland, pastures, or orchards, of at least 1,000 pounds per acre of pulverized or ground limestone furnished by the Agricultural Adjustment Administration.

Practice No. 5-B—Applying Liming Material for Pasture Improvement

Rate of Payment. \$4 for each. (1) 2,000 pounds of standard ground or standard pulverized limestone;

(2) 1,000 pounds of calcium oxide neutralizing equivalent in hydrated lime or quicklime; or

(3) 3,500 pounds of field-dug marl.

The application to each one-tenth ($\frac{1}{10}$) acre of noncrop open pasture land of at least 200 pounds of standard ground

limestone, or the equivalent, which is purchased by the farmer. Credit will not be allowed for practice No. P-1 or P-2 under the pasture improvement allowance unless this ground limestone (or limestone under 5-C) is applied to the same acreage of pasture land on which practice No. 3-B or 3-C is also carried out.

Practice No. 5-C—Applying Ground Limestone Furnished by the Agricultural Adjustment Administration

Rate of payment. \$5 for each 2,000 pounds of standard ground or standard pulverized limestone. The application to each one-tenth ($\frac{1}{10}$) acre of noncrop open pasture land of at least 200 pounds of ground limestone furnished by the Agricultural Adjustment Administration under the soil-building allowance. Credit will not be allowed for practice No. P-1 or P-2 under the pasture improvement allowance unless this ground limestone (or limestone under 5-B) is applied to the same acreage of pasture land on which practice No. 3-B or 3-C is also carried out.

Practice No. 6—Green Manure and Cover Crops

Rate of payment. \$1.50 per acre. The plowing or disking under of a good stand and a good growth of: (1) Biennial or perennial legumes or grasses for which no payment for seeding is allowed in 1940 and, except in orchards, from which no crop of such legumes or grasses has ever been harvested; (2) annual legumes; or (3) annual grasses or small grains used as summer green manure crops on vegetable, potato, or orchard land, or used as winter green manure crops.

If the crop used is one which is normally winter-killed, payment will be allowed for leaving a good stand and a good growth on the land instead of plowing or disking it under.

If the crop is grown in a commercial orchard and has not been harvested in 1940, payment will be allowed for cutting and leaving an evenly distributed good stand and good growth of such crop on the land, except that cutting is not required in blocks of trees damaged by the September 1938 hurricane.

It is not generally good farming practice to plow down green manure crops if it will result in leaving the land unprotected during the winter. It is recommended, therefore, that crops which otherwise might be considered as green manure crops for 1940 be left on the land as a winter cover wherever it is possible.

The following minimum rates of seeding per acre are recommended when the following crops are to be used alone as green manure:

Crop:	Amount
Soybeans.....	60 pounds.
Red clover (mammoth or medium).	10 pounds.
Vetch.....	30 pounds.
Field peas.....	90 pounds.
Crimson clover.....	10 pounds.
Rye.....	60 pounds.

Crop—Continued.	Amount
Corn.....	30 pounds.
Barley.....	2½ bushels.
Millet.....	30 pounds.
Oats.....	2½ bushels.
Buckwheat.....	72 pounds.

Practice No. 7—Stripcropping

Rate of payment. \$0.75 for each 2 acres. The planting of cropland in strips on the contour. Strips of intertilled crops must be separated by strips of close-growing crops.

Operators must obtain the approval of the county committee and instructions from the Extension Service or the Soil Conservation Service before performing this practice.

Practice No. 8—Contour Cultivation

Rate of Payment. \$0.75 for each 4 acres. The cultivation of intertilled crops on the contour.

Operators must obtain the approval of the county committee and instructions from the Extension Service or the Soil Conservation Service before performing this practice.

Practice No. 9—Mulching Orchards and Vegetable Land

Rate of Payment. \$3 per ton. The application to orchards or vegetable land of not less than 1 ton per acre of air-dried straw or hay or equivalent mulching material, excluding barnyard and stable manure. Payment will not be allowed for the practice if any of the materials produced on the land during 1940 from grasses, legumes, green manure crops or cover crops, or the mulching material, are taken from the land.

Recommended mulching materials:	Percentage of weight for credit
1. Air-dried straw.....	100
2. Air-dried tame or marsh hay.....	100
3. Green tame or marsh hay.....	50
4. Seaweed (dry).....	100
5. Seaweed (wet).....	25
6. Laying house poultry litter (dry).....	100
7. Laying house poultry litter (wet).....	50
8. Other materials approved by the State committee.	

Practice No. 10—Improving Woodlands

Rate of payment. \$3 per acre. The improvement of the stand of forest trees under a system of farm woodland and wildlife management which is approved in advance by the county committee and includes thinning, weeding, or partial cutting, or any combination of these which is needed. At least 100 good timber trees or trees which can become good timber trees must be left free to grow and must be well scattered on each acre of woodland improved. At least two-thirds of a complete crown canopy must also be left on each acre improved.

Practice No. 11—Excluding Livestock From Farm Woodland

Rate of payment. \$0.75 for each 2 acres. The restoration of farm woodland, including sugar maple orchards, previously used for pasture by keeping out domestic livestock.

Payment will be allowed for each acre of farm woodland out of which livestock

are kept, but for not more than 2 acres for each animal unit which is normally allowed to graze in the woodland.

Animal unit means one cow, two calves, one horse, two colts, five sheep, or five goats, or the equivalent thereof.

The operator must obtain approval of the county committee before performing this practice.

If under the 1936, 1937, 1938, or 1939 program a farmer has received payment for constructing fence to keep livestock out of woodland or for keeping livestock out of sugar maple orchards or other woodlands, and the county committee determines that in 1940 livestock were again allowed by that farmer to graze in the same woodland or sugar maple orchard, an amount equal to the previous payments will be withheld from any payment which would otherwise be made to such farmer under the 1940 program.

Practice No. 12—Planting Forest Trees

Rate of payment. \$7.50 per acre. The planting of transplanted forest trees or root-pruned seedlings of varieties approved by the State committee, at the rate of at least 1,000 trees per acre, in accordance with good forestry practice.

One thousand trees planted on two or more small tracts of less than one acre each shall be considered as an acre even though the total area may be larger. However, not less than 200 trees may be counted in this manner. Shrubs helpful to wildlife may be included in the planting.

Areas planted must be given reasonable protection against fire and damage by livestock-grazing and must be cultivated in accordance with good tree culture and wildlife-management practice.

SECTION III. DIVISION OF PAYMENTS AND DEDUCTIONS

A. Payments and deductions in connection with potatoes. 1. The net payment or net deduction computed for any farm with respect to potatoes shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of percentages) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1940: *Provided*, That if such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant bed diseases, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the acreage allotment for such crop had been planted and harvested in 1940.

2. In computing such net payments and such net deductions with respect to potato acreage allotments, the deduction

with respect to corn for grain shall be regarded as a deduction with respect to the payments computed in connection with the potato acreage allotments.

B. Payments in connection with soil-building practices. The amount of net payment earned for the farm in connection with soil-building practices shall be paid to the landlord, tenant, or share-cropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in the 1940 program, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in the 1940 program. All persons contributing to the carrying-out of any soil-building practice on a particular acreage shall be deemed to have contributed equally to the units of such practice unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto.

C. Proration of net deductions. If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on such farm, the sum of the net deductions computed for all persons on such farm shall be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments.

If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

SECTION IV. INCREASE IN SMALL PAYMENTS

The total payment computed under Sections I to III, inclusive, for any person with respect to any farm shall be increased as follows:

A. Any payment amounting to 71 cents or less shall be increased to \$1.00;

B. Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

C. Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
\$1.00 to \$1.99	\$0.40
\$2.00 to \$2.99	.80
\$3.00 to \$3.99	1.20
\$4.00 to \$4.99	1.60
\$5.00 to \$5.99	2.00
\$6.00 to \$6.99	2.40
\$7.00 to \$7.99	2.80
\$8.00 to \$8.99	3.20

No. 59—2

Amount of payment computed—Continued.

Amount of payment computed—Continued.	Increase in payment
\$9.00 to \$9.99	\$3.60
\$10.00 to \$10.99	4.00
\$11.00 to \$11.99	4.40
\$12.00 to \$12.99	4.80
\$13.00 to \$13.99	5.20
\$14.00 to \$14.99	5.60
\$15.00 to \$15.99	6.00
\$16.00 to \$16.99	6.40
\$17.00 to \$17.99	6.80
\$18.00 to \$18.99	7.20
\$19.00 to \$19.99	7.60
\$20.00 to \$20.99	8.00
\$21.00 to \$21.99	8.20
\$22.00 to \$22.99	8.40
\$23.00 to \$23.99	8.60
\$24.00 to \$24.99	8.80
\$25.00 to \$25.99	9.00
\$26.00 to \$26.99	9.20
\$27.00 to \$27.99	9.40
\$28.00 to \$28.99	9.60
\$29.00 to \$29.99	9.80
\$30.00 to \$30.99	10.00
\$31.00 to \$31.99	10.20
\$32.00 to \$32.99	10.40
\$33.00 to \$33.99	10.60
\$34.00 to \$34.99	10.80
\$35.00 to \$35.99	11.00
\$36.00 to \$36.99	11.20
\$37.00 to \$37.99	11.40
\$38.00 to \$38.99	11.60
\$39.00 to \$39.99	11.80
\$40.00 to \$40.99	12.00
\$41.00 to \$41.99	12.10
\$42.00 to \$42.99	12.20
\$43.00 to \$43.99	12.30
\$44.00 to \$44.99	12.40
\$45.00 to \$45.99	12.50
\$46.00 to \$46.99	12.60
\$47.00 to \$47.99	12.70
\$48.00 to \$48.99	12.80
\$49.00 to \$49.99	12.90
\$50.00 to \$50.99	13.00
\$51.00 to \$51.99	13.10
\$52.00 to \$52.99	13.20
\$53.00 to \$53.99	13.30
\$54.00 to \$54.99	13.40
\$55.00 to \$55.99	13.50
\$56.00 to \$56.99	13.60
\$57.00 to \$57.99	13.70
\$58.00 to \$58.99	13.80
\$59.00 to \$59.99	13.90
\$60.00 to \$185.99	14.00
\$186.00 to \$199.99	(1)
\$200.00 and over	(2)

¹ Increase to \$200.00.

² No increase.

SECTION V. PAYMENTS LIMITED TO \$10,000

The total of all payments made in connection with programs for 1940 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms located within a single State shall not exceed the sum of \$10,000 prior to deduction for association expenses in the county or counties with respect to which the payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000 prior to deduction for association expenses in the county or counties with respect to which the payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in

adopting any scheme or device, including the dissolution, reorganization, revival, formation or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading the provisions of this section.

SECTION VI. DEDUCTIONS INCURRED ON OTHER FARMS

A. Other farms in the same county. If the total of the Deductions computed under Section I with respect to any farm in a county exceeds the payment for full performance on such farm computed under Sections I and II, a landlord's or tenant's share of the amount by which the total deduction exceeds the total payment shall be deducted from that landlord's or tenant's share of the payments which would otherwise be made to him with respect to any other farm or farms in such county.

B. Other farms in the State. If the deductions computed under Section I for a landlord or tenant with respect to one or more farms in a county exceed the payments computed for such landlord or tenant on other farms in the county, the amount of those excess deductions shall be taken from the payments computed for the landlord or tenant with respect to any other farm or farms in the State. Before this can be done the State committee must find that the crops grown and practices adopted on the farm with respect to which the deductions are computed substantially offset the contribution to the program made on the other farm or farms.

SECTION VII. DEDUCTION FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

SECTION VIII. MATERIALS FURNISHED AS GRANTS OF AID

Wherever it is found practicable, limestone, superphosphate, trees, seed, and other farming materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid. Materials furnished are to be used in carrying out approved soil-building practices which shall count toward meeting the soil-building goal for the farm.

A deduction from the total payment for the farm shall be made in the amount of the approximate average cost to the Agricultural Adjustment Administration in any county, State, or other area of any material furnished. This deduction shall be applied first to the payment computed for the person to whom the materials are furnished and the balance, if any, of the deduction shall be prorated among the payments to other persons

sharing in the total payment for the farm for which such materials were obtained and on which they were used.

Materials shall only be furnished pursuant to a producer's request and agreement upon a form prescribed by the Agricultural Adjustment Administration. Such agreement shall provide that (1) in the event the amount of deduction for materials exceeds the amount of the payment with respect to the farm, the amount of such difference shall be paid by the producer to the Secretary; (2) if the producer uses the material in a manner which is not in substantial accord with the purposes for which such material was furnished, the deduction with respect to the material misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse; and (3) the finding of the county committee that the material has been used in a manner which is not in substantial accord with the purposes for which it was furnished and as to the amount of material so misused, shall be final when approved by the State committee, subject to the right of appeal under the provisions of Section XI.

Notwithstanding any other provisions of this bulletin, for any farm on which the only practices carried out are those through the use of materials furnished and no other performance is rendered, the furnishing of the materials shall be in lieu of any payment which otherwise might be computed for the farm.

The rate of deduction for materials furnished pursuant to provisions of this section for each State or county shall be established by the Agricultural Adjustment Administration.

SECTION IX. GENERAL PROVISIONS RELATING TO PAYMENTS

A. Payment restricted to effectuation of purposes of the program. 1. All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned (a) if he adopts or has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs, (b) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (c) if the county committee, acting in accordance with instructions issued by the State committee and having the approval of the regional director, finds that the forest lands owned or controlled by him have been abused by improper cutting.

2. Allotment payments will be made only for farms which are being operated in 1940. A farm will not be considered to be operated in 1940 unless it is tilled. For the purposes of the 1940 program a farm will be considered to be tilled only

if an acreage equal to at least one-half the potato allotment established for the farm is devoted to one or more of the following uses:

- a. Seeded to a crop in 1940.
- b. A crop other than biennial or perennial hay is harvested in 1940.
- c. Green manure crops are plowed or disked under in 1940.

The farm will also be considered to be tilled if the State committee finds that none of the operations a, b, and c above were carried out because of conditions beyond the control of the operator, or if upon recommendation of the State committee, the regional director finds that the farm is actually being operated in 1940.

B. Payment computed and made without regard to claims. Any payment or share of payment shall be computed and made (1) without regard to questions of title under State law, (2) without deduction of claims for advances (except as provided in subsection D of this Section IX and indebtedness to the United States subject to setoff under orders issued by the Secretary), and (3) without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

C. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices. If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940. This provision shall be exercised only if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and the reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device (including coercion, fraud or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under

any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program.

D. Assignments. Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the Agricultural Adjustment Administration and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Administration.

Nothing contained in this subsection (D) shall be construed to give the assignee a right to any payment other than that to which the farmer is entitled nor (as provided in the Statute) shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

E. Excess cotton acreage. Any person who knowingly plants cotton or causes cotton to be planted on his farm in 1940 on acreage in excess of the cotton acreage allotment for the farm for 1940 shall not be eligible for any payment whatsoever on that farm or any other farm under the provisions of the 1940 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1940 on an acreage in excess of the cotton acreage allotment for the farm for 1940 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

SECTION X. APPLICATION FOR PAYMENT

A. Persons eligible to file applications. An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section III a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement or as owner-operator, or (2) who

is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices.

B. Time and manner of filing application and information required. Payment will be made only upon application submitted through the county office not later than March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

C. Applications for other farms. If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof or which he rents to another for cash.

SECTION XI. APPEALS

Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant or sharecropper: (a) eligibility to file an application for payment; (b) any acreage allotment, usual acreage, normal or actual yield, measurement or soil-building allowance; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If

such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

SECTION XII. DEFINITIONS

For the purposes of the 1940 program, unless the context otherwise requires:

A. Officials. 1. Secretary means the Secretary of Agriculture of the United States.

2. Regional director means the director of the division of the Agricultural Adjustment Administration in charge of the Agricultural Conservation Program in the Northeast Region.

3. State committee means the group of persons designated within any State to assist in the administration of the 1940 program in such state.

4. County committee means the group of persons elected within any county to assist in the administration of the 1940 program in such county.

B. Northeast Region means the area included in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

C. Farm means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative

area, as the case may be, in which the major portion of the farm is located.

D. Miscellaneous. 1. Person means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

2. Landlord or owner means a person who owns land and rents such land to another person or operates such land.

3. Sharecropper means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

4. Tenant means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

SECTION XIII. AUTHORITY AND AVAILABILITY OF FUNDS

A. Authority. Pursuant to the authority vested in the Secretary of Agriculture by sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, payments and grants of aid will be made in Belknap and Coos Counties, New Hampshire, for participation in the Agricultural Conservation Phase of the 1940 Unified Program for Belknap and Coos Counties, New Hampshire. This participation shall be in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

B. Availability of funds. The provisions of the 1940 program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact and the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose. The amounts of such payments and grants of aid in each county will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, the final estimate of payments which would be made in each county under the National 1940 Agricultural Conservation Program, and the extent of participation in the Agricultural Conservation Phase of the 1940 Unified Program for Belknap and Coos Counties, New Hampshire. As an adjustment for participation, the rates of payment and deduction specified herein for either county may be increased or decreased by as much as 10 percent.

Done at Washington, D. C., this 22d day of March 1940. Witness the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-1209; Filed, March 23, 1940; 9:09 a. m.]

[NER-400-C]

THE AGRICULTURAL CONSERVATION PHASE
OF THE 1940 UNIFIED PROGRAM FOR NEW
LONDON AND WINDHAM COUNTIES, CON-
NECTICUT

CONTENTS

Sec.

- I. Allotments, Usual Acreages, Yields, Payments, and Deductions.
- II. Soil-Building Goals, Soil-Building Allowance, and Practices.
- III. Division of Payments and Deductions.
- IV. Increase in Small Payments.
- V. Payments Limited to \$10,000.
- VI. Deductions Incurred on Other Farms.
- VII. Deduction for Association Expenses.
- VIII. Materials Furnished as Grants of Aid.
- IX. General Provisions Relating to Payments.
- X. Application for Payment.
- XI. Appeals.
- XII. Definitions.
- XIII. Authority and Availability of Funds.

Payments and grants of aid will be made for participation in the Agricultural Conservation Phase of the Unified Program for New London and Windham Counties, Connecticut, (hereinafter referred to as the 1940 program) in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made.

The provisions of the regular 1940 Agricultural Conservation Program are not applicable in New London and Windham Counties.

SECTION I. ALLOTMENTS, USUAL ACREAGES,
YIELDS, PAYMENTS AND DEDUCTIONS

A. Corn

1. *Usual acreage of corn for grain.* Usual acreages of corn for grain shall be determined for all farms for which a payment is computed with respect to a potato acreage allotment and on which the usual acreage of corn for grain is more than 10 acres.

The usual acreage of corn for grain shall be determined on the basis of the average annual acreage of corn harvested for grain and diverted therefrom during the years 1937, 1938, and 1939, with appropriate adjustments for crop rotation practices.

The sum of the usual acreages of corn for grain determined for such farms in a county shall not exceed the sum of the average annual acreages of corn harvested for grain and diverted therefrom on such farms during the years 1937, 1938, and 1939.

2. *Deduction.* (Any farm for which a potato allotment is determined.) \$10 per acre of corn harvested for grain in excess of the larger of the usual acreage of corn for grain determined for the farm or 10 acres.

B. Potatoes

1. *National goal.* The 1940 national goal for potatoes is 3,100,000 to 3,300,000 acres.

2. *National and State acreage allotments.* The national and State potato acreage allotments will be established by the Secretary.

3. *County acreage allotments.* County acreage allotments of potatoes shall be

determined by the Agricultural Adjustment Administration with the assistance of the State committee by distributing the State acreage allotment of potatoes among the counties in the State on the basis of the acreage allotments determined under the 1939 program, taking into consideration trends in acreage on commercial potato farms and the acreage of potatoes on noncommercial farms.

4. *Farm acreage allotments.* A potato acreage allotment shall be determined by the county committee with the assistance of other local committees in the county in accordance with instructions contained in NER-417-P for each farm for which the normal acreage of potatoes is determined to be three acres or more. No potato acreage allotment shall be less than 3 acres unless it is reduced because there was planted on the farm in 1940 less than 90 percent of the farm's potato allotment.

Potato acreage allotments shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, production facilities, and the acreage of potatoes customarily grown on the farm. The potato acreage allotment for any farm shall compare with the potato acreage allotments for other farms in the same community which are similar with respect to such factors.

If less than 90 percent of the farm's potato allotment is planted, the potato allotment will be reduced to 110 percent of the acreage planted.

The sum of the potato acreage allotments determined for all farms (including those not participating in the program) in a county shall not exceed the county potato acreage allotment. The sum of the potato acreage allotments determined for farms participating in the 1940 program shall not exceed their proportionate share of the county potato acreage allotment.

5. *Normal yields.* The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a potato acreage allotment is determined or a deduction is computed a normal yield for potatoes in accordance with the instructions contained in NER-417-P and the following provisions:

a. The normal yield of potatoes for any farm shall be determined on the basis of the yields of potatoes made on the farm with due consideration for type of soil, production practices, and the general fertility of the land.

b. The average yield for all farms in any county shall not exceed the county yield established by the Secretary.

6. *Payment.* 3 cents per bushel of the normal yield of potatoes for the farm for each acre in its potato allotment.

7. *Deduction.* 30 cents per bushel of the normal yield for the farm for each acre planted to potatoes in excess of the larger of the potato allotment or 3 acres.

D. Commercial Vegetables

1. *Farm acreage allotments.* A commercial vegetable acreage allotment shall be determined for each farm on which the average acreage of land normally planted to commercial vegetables is three acres or more. No commercial vegetable acreage allotment shall be less than 3 acres unless it is reduced because there was planted on the farm in 1940 less than 90 percent of the farm's vegetable allotment. The allotments shall be determined by the county committee with the assistance of other local committees in the county in accordance with instructions contained in NER-417-V.

The commercial vegetable acreage allotment shall be determined on the basis of the average acreage for 1936 and 1937 or the average of a later period adjusted to the 1936-1937 level. In determining the allotments, adjustments shall be made for abnormal weather conditions. The tillable acreage on the farm, type of soil, production facilities, crop rotation practices, and changes in farming practices shall also be taken into consideration.

If less than 90 percent of the farm's vegetable allotment is planted, the vegetable allotment will be reduced to 110 percent of the acreage planted.

The sum of the commercial vegetable acreage allotments determined for such farms in the county shall not exceed the sum of the average annual acreages of land planted in 1936 and 1937 to commercial vegetables on all such farms in the county and on farms in the county for which no commercial vegetable allotment is established but on which the average acreage of commercial vegetables planted in 1936 and 1937 was 3 acres or more except that fair and reasonable adjustment in such acreage may be made by the State committee, in accordance with instructions contained in NER-418 among commercial vegetable counties in the State on the basis of shifts in commercial vegetable production.

2. *Commercial vegetables* means the acreage of vegetables and truck crops of which the principal part of the production is sold to persons not living on the farm. This definition includes, among others, sweetpotatoes, tomatoes, sweet corn, cantaloupes, commercial bulbs and flowers, and strawberries, but excludes Irish potatoes, peas for canning or freezing, sweet corn for canning, and watermelons.

3. *Acreage planted to commercial vegetables* means the acreage of land planted in 1940 to annual commercial vegetables and also the acreage of land from which perennial commercial vegetables are harvested in 1940.

4. *Payment.* \$1.50 for each acre in the commercial vegetable acreage allotment.

5. *Deduction.* \$20 per acre for each acre of land planted to commercial vegetables in excess of the larger of the commercial vegetable allotment or 3 acres.

SECTION II. SOIL-BUILDING GOALS, SOIL-BUILDING ALLOWANCE, AND PRACTICES

A. National goal. The national goal is the conservation of the cropland not required in 1940 for the growing of soil-depleting crops, the restoration, insofar as is practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops; and the carrying-out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

B. County goals. Insofar as practicable, county goals shall be determined for particular soil-building practices which are not routine farming practices in the county and which are most needed in the county in order to conserve and improve soil fertility and to prevent wind and water erosion.

C. Farm goals. Insofar as practicable, the county committee shall determine for individual farms practices to be followed which are not routine farming practices on the farm, but which are needed on the farm in order to conserve and improve soil fertility and prevent wind and water erosion and which will tend to accomplish the goals, if any, determined for the county with respect to particular soil-building practices.

D. Woodland rehabilitation allowance. Each farm shall have a woodland rehabilitation allowance of \$60 which may be earned for the elimination of fire hazards, improving the remaining stand of trees, and providing for the restoration of a full stand of trees on woodland which constitutes a serious fire hazard as a result of hurricane damage, provided such work is done with the prior approval of the county committee and in accordance with such approved system of farm woodland management as is specified by the Agricultural Adjustment Administration. Payment at the rate of \$4 for each acre on which this work is correctly done will be allowed toward earning the woodland rehabilitation allowance.

This allowance is not included in the soil-building allowance.

E. Pasture improvement allowance. Each farm on which there are at least 5 dairy animal units will have a pasture improvement allowance of 1,000 pounds of ground limestone and 100 pounds of triple superphosphate for each 5 dairy animal units on the farm at the time request is made by the farmer for the materials in the pasture improvement allowance. This allowance will be determined in accordance with the following schedule:

Animal units	Pasture improvement allowance	
	Triple superphosphate	Limestone
5 to 9, inclusive.....	100	1,000
10 to 14, inclusive.....	200	2,000
15 to 19, inclusive.....	300	3,000
20 to 24, inclusive.....	400	4,000
25 to 29, inclusive, etc.....	500	5,000

Any dairy animal that has reached the age of 2 years or has freshened shall be considered one dairy animal unit. Any dairy animal younger than this but over six months of age shall be considered as one-half ($\frac{1}{2}$) a dairy animal unit.

This pasture improvement allowance is in addition to the soil-building and other allowances and may be used only for carrying out the following practices on pasture land approved in advance by the county committee:

Practice No. P-1

The application to each one-half ($\frac{1}{2}$) acre of pasture land approved in advance by the county committee of 1,000 pounds of ground limestone furnished by the Agricultural Adjustment Administration under the pasture improvement allowance.

The cost of this material will be deducted from any other payment otherwise earned on the farm if (1) practice No. P-2 is not applied to the same acreage, or (2) there is not carried out on an equal acreage of pasture land approved in advance by the county committee practices No. 1-B or 1-C and 2-B or 2-C.

Practice No. P-2

The application to each one-half ($\frac{1}{2}$) acre of the pasture land approved in advance by the county committee and on which practice No. P-1 was carried out of 100 pounds of triple superphosphate furnished by the Agricultural Adjustment Administration under the pasture improvement allowance.

The cost of this material will be deducted from any payment otherwise earned on the farm if (1) the triple superphosphate furnished for this practice is not applied to the same land on which practice No. P-1 is used or (2) there is not carried out on an equal acreage of other pasture land approved in advance by the county committee practices No. 1-B or 1-C and 2-B or 2-C.

If any material furnished under the pasture improvement allowance is disposed of or used for purposes other than carrying out approved soil-building practices, twice the cost of the material will be deducted from any payment otherwise earned on the farm.

F. Reforestation allowance. Each farm will have a reforestation allowance of \$30 in addition to the soil-building allowance. This reforestation allowance may be earned by planting transplanted forest trees at the rate of at least 1,000 trees per acre. One thousand trees planted on two or more small tracts of less than 1 acre shall be considered as an acre, even though the total area may be larger. Shrubs helpful to wildlife may be included in the planting.

Areas planted must be given reasonable protection against fire and damage by livestock-grazing and must be cultivated in accordance with good tree culture and wildlife-management practice.

Payment at the rate of \$7.50 per acre will be allowed toward earning the reforestation allowance.

G. Soil-building allowance. A soil-building allowance will be computed for each farm and will represent the largest amount which can be earned on any farm by carrying out soil-building practices.

1. The soil-building allowance for any farm on which the sum of the following items is \$20 or more shall be equal to that sum:

a. 70 cents per acre of cropland in excess of the potato allotment.

Cropland means farm land which in 1939 was tilled or was in regular rotation excluding any land in commercial orchards.

b. \$2 per acre of commercial orchards on the farm on January 1, 1940.

Commercial orchards means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1940, from which the principal part of the production is normally sold. This definition does not include non-bearing orchards and non-bearing vineyards.

c. 40 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland.

Fenced noncrop open pasture land means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland and which is capable of maintaining during the normal pasture season at least one animal unit for each five acres.

Animal unit means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

2. The soil-building allowance for any farm on which the total of the cropland, orchard, and pasture items is less than \$20, shall be the larger of:

a. The sum of items 1a, 1b, and 1c listed in subsection G above, or

b. The amount obtained by subtracting the sum of the maximum allotment payments computed from \$20.

H. Soil-building practices. The soil-building practices listed in the following schedule shall count toward earning the soil-building allowance to the extent indicated therein when such practices are not disapproved for the farm by the county committee and are carried out under the provisions of the 1940 program during a period November 1, 1939, to October 31, 1940, inclusive, in accordance with the specifications contained herein.

If one-half or more of the total cost of carrying out any practice is represented by labor, seed, trees, or materials furnished by a State or Federal agency other than the Agricultural Adjustment Administration, the practice shall not

be counted toward earning the soil-building allowance, if less than one-half of the total cost of carrying out any practice is represented by labor, seed, trees, or materials furnished by a State or Federal agency other than the Agricultural Adjustment Administration, one-half of the practice shall be counted toward earning the soil-building allowance. Labor, seed, trees, and materials furnished to a State, a political subdivision of a State, or an agency thereof by any agency of the same State shall not be deemed to have been furnished by "a State _____ agency" within the meaning of this paragraph.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to have been paid for in whole or in part by a State or Federal agency.

The rates of payment listed below are the maximum rates allowable, and the rates of payment for any practice included may be adjusted downward by the State committee with the approval of the Agricultural Adjustment Administration in order to reflect relatively lower costs or relative desirability of the practice.

Schedule of Soil-Building Practices

Practice No. 1—Liming Cropland, Orchards, or Pasture Land

Rate of payment. \$4.70 for each 2,000 pounds of standard ground limestone or its equivalent. The application per acre of at least 1,000 pounds of standard ground limestone or its equivalent to cropland, permanent pasture land, or commercial orchard land.

When the limestone is applied to cropland or cultivated orchard land, it should be worked into the soil, preferably at least 6 months before a legume seeding is made. Each acre of pasture land or orchard sod treated with lime should have an application of at least 300 pounds of 20 percent superphosphate, or the equivalent.

Standard ground limestone is limestone which will analyze at least 50 percent total calcium oxide neutralizing equivalent, 100 percent of which will pass through a 20-mesh sieve, provided that all the finer materials resulting from grinding are left in the material.

Seven hundred and fifty pounds of hydrated lime, 500 pounds of burnt lime, 1,000 pounds of ground oystershell, or 1,000 pounds of button dust are equivalent to 1,000 pounds of standard ground limestone.

Practice No. 1-A—Liming Cropland, Orchards, and Pasture Land With Liming Material Furnished by the Agricultural Adjustment Administration

Rate of payment. \$4.70 for each 2,000 pounds of ground limestone. The application to cropland, commercial orchards, or permanent pasture land of at least 1,000 pounds per acre of ground limestone furnished by the Agricultural Adjustment Administration.

When the limestone is applied to cropland or cultivated orchard land, it should be worked into the soil, preferably at least 6 months before a legume seeding is made. Each acre of pasture land or orchard sod treated with lime should also have an application of at least 300 pounds of 20 percent superphosphate, or the equivalent.

Practice No. 1-B—Liming Pasture Land Approved in Advance by the County Committee

Rate of payment. \$4.70 for each 2,000 pounds of standard ground limestone. The application to each one-half ($\frac{1}{2}$) acre of pasture land approved in advance by the county committee of at least 1,000 pounds of standard ground limestone which is purchased by the farmer. Credit will not be allowed for practice No. P-1 or P-2 under the pasture improvement allowance unless this ground limestone (or limestone under 1-C) is applied to the same acreage of pasture land on which practice No. 2-B or 2-C is also carried out.

Practice No. 1-C—Liming Pasture Land Approved in Advance by the County Committee With Liming Materials Furnished by the Agricultural Adjustment Administration

Rate of payment. \$4.70 for each 2,000 pounds of standard ground limestone. The application to each one-half ($\frac{1}{2}$) acre of pasture land approved in advance by the county committee of at least 1,000 pounds of ground limestone furnished by the Agricultural Adjustment Administration under the soil-building allowance. Credit will not be allowed for practice No. P-1 or P-2 under the pasture improvement allowance unless this ground limestone (or limestone under 1-B) is applied to the same acreage of pasture land on which practice No. 2-B or 2-C is also carried out.

Practice No. 2—Applying Superphosphate

Rate of Payment. \$1.25 for each 200 pounds of 20 percent superphosphate or its equivalent. The application of at least 100 pounds per acre of 20 percent superphosphate, or its equivalent, to or in connection with the seeding of perennial or biennial legumes, perennial grasses, permanent pasture, or green manure crops in orchards.

When superphosphate is applied in connection with a seeding made with a nurse crop that is harvested for grain, payment will be allowed only for the amount over 160 pounds per acre of 20 percent superphosphate.

Payment will also be allowed for the use of superphosphate in stables to reinforce manure which is to be applied to hay land, pasture, or orchard sod.

Quantities of other grades of superphosphate may be substituted for the 100 pounds of 20 percent superphosphate: For example, 125 pounds 16 per-

cent superphosphate, 62½ pounds 32 percent superphosphate, 50 pounds 40 percent superphosphate, or the quantity of other fertilizers that furnish 20 pounds of available phosphoric acid.

Practice No. 2-A—Applying Triple Superphosphate Furnished by the Agricultural Adjustment Administration

Rate of payment. \$1.50 for each 100 pounds of triple superphosphate. The application to or in connection with the seeding of perennial or biennial legumes, perennial grasses, permanent pasture, or green manure crops in orchards, of at least 50 pounds per acre of triple superphosphate furnished by the Agricultural Adjustment Administration.

This triple superphosphate shall not be used on a nurse crop which is to be harvested for grain or in stables or poultry houses to reinforce manure.

Practice No. 2-B—Applying Superphosphate to Pasture Land Approved in Advance by the County Committee

Rate of payment. \$1.25 for each 200 pounds of 20 percent superphosphate or its equivalent. The application to each one-half ($\frac{1}{2}$) acre of pasture land approved in advance by the county committee of at least 250 pounds of 20 percent superphosphate, or its equivalent, which is purchased by the farmer. Credit will not be allowed for practice No. P-1 or P-2 under the pasture improvement allowance unless this superphosphate (or superphosphate under 2-C) is applied to the same acreage of pasture land on which practice No. 1-B or 1-C is also carried out.

Practice No. 2-C—Applying Triple Superphosphate Furnished by the Agricultural Adjustment Administration to Pasture Land

Rate of payment. \$1.50 for each 100 pounds of triple superphosphate. The application to each one-half ($\frac{1}{2}$) acre of pasture land approved in advance by the county committee of at least 100 pounds of triple superphosphate which is furnished by the Agricultural Adjustment Administration under the soil-building allowance. Credit will not be allowed for practice No. P-1 or P-2 under the pasture improvement allowance unless this superphosphate (or superphosphate under 2-B) is applied to the same acreage of pasture land on which practice No. 1-B or 1-C is also carried out.

Practice No. 3—Applying Muriate of Potash

Rate of payment. \$1 for each 100 pounds of 50 percent muriate of potash or the equivalent. The application of at least 100 pounds per acre of 50 percent muriate of potash or its equivalent, but excluding manure, in connection with the seeding of clover or alfalfa or on established stands of alfalfa.

Legumes such as alfalfa and clover require considerable potash. As a rule

potash should be applied at the time of seeding. Some soils become deficient in potash more rapidly than others and require annual applications of potash to grow alfalfa.

Practice No. 4—Cover Crops and Green Manure Crops

Rate of payment. \$1.50 per acre. The plowing or disking under of a good stand and a good growth of (1) biennial or perennial legumes or grasses for which no payment for seeding is allowed in 1940 and, except in orchards, from which no crop of such legumes or grasses has ever been harvested; (2) annual legumes; or (3) annual grasses or small grains used as summer green manure crops on vegetable, potato, or orchard land, or used as winter green manure crops. If the crop is one which is normally winter-killed, payment will be allowed for leaving a good stand and a good growth on the land instead of plowing or disking it under.

If the crop is grown in a commercial orchard and has not been harvested in 1940, payment will be allowed for cutting and leaving an evenly distributed good stand and good growth of such crop on the land, except that cutting is not required in blocks of trees damaged by the September 1938 hurricane.

It is not generally good farming practice to plow down green manure crops if it will result in leaving the land unprotected during the winter. It is recommended, therefore, that such crops be left on the land as a winter cover wherever it is possible.

Practice No. 5—Mulching Commercial Orchard Land and Commercial Vegetable Land

Rate of payment. \$3 per ton. The application of at least 2 tons per acre of air-dried straw or equivalent mulching material to commercial orchard land or commercial vegetable land as a mulch. All materials produced on the land during 1940 from grasses, legumes, green manure crops, or cover crops, as well as the mulching material, must be left on the land.

Recommended mulching material	Percentage weight-for credit
1. Air-dried straw	100
2. Air-dried tame or marsh hay	100
3. Green tame or marsh hay	50
4. Other materials approved by the State committee	

Practice No. 6—Seeding Pasture Mixtures

Rate of payment. \$3 per acre. The seeding of pasture mixtures containing at least 2 pounds of ladino clover per acre.

Seeding shall be made on land prepared by the application of either (1) 3,000 pounds per acre of standard ground limestone or its equivalent and 400 pounds of 20 percent superphosphate or its equivalent, or (2) liming materials and superphosphate according to requirements as shown by a soil test which conforms to the regulations of the State committee.

Practice No. 7—Woodland Management

Rate of payment. \$3 per acre. The improvement of the stand of forest trees under a system of farm-woodland and wildlife management which includes pruning or thinning or, if needed, both. At least 100 good timber trees or trees which can become good timber trees must be left well scattered on each acre of woodland improved.

Operators must obtain prior approval from the county committee and must carry out the practice in accordance with instructions issued by the Extension Forester.

Practice No. 8—Planting Forest Trees

Rate of payment. \$7.50 per acre. The planting of transplanted forest trees at the rate of at least 1,000 trees per acre in accordance with instructions of the Extension Forester.

One thousand trees planted on two or more small tracts of less than 1 acre each shall be considered as an acre even though the total area may be larger. Shrubs helpful to wildlife may be included in the planting.

Areas planted must be given reasonable protection against fire and damage by livestock-grazing and must be cultivated in accordance with good tree culture and wildlife-management practice.

Practice No. 9—Terracing

Rate of payment. \$1.50 for each 200 linear feet. The construction of diversion ditches, for which proper outlets are provided. This practice must be carried out according to plans approved in advance by the county committee and based on the recommendations of the Soil Conservation Service or the Connecticut Agricultural Extension Service.

Practice No. 10—Stripcropping

Rate of payment. \$0.75 for each 2 acres. The planting of cropland in strips. Strips of intertilled crops must be separated by strips of close-growing crops.

This practice must be carried out in accordance with plans approved in advance by the county committee and based on the recommendations of the Soil Conservation Service or the Connecticut Agricultural Extension Service.

SECTION III. DIVISION OF PAYMENTS AND DEDUCTIONS

A. Payments and deductions in connection with potatoes and commercial vegetables. 1. The net payment or net deduction computed for any farm with respect to potatoes or commercial vegetables, shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of percentages) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop

grown on the farm in 1940: *Provided*, That if such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant bed diseases, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the acreage allotment for such crop had been planted and harvested in 1940.

2. In computing such net payments and such net deductions with respect to potato and commercial vegetable acreage allotments, the deduction with respect to corn for grain shall be regarded as a pro rata deduction with respect to the payments computed in connection with the potato and commercial vegetable acreage allotments.

B. Payments in connection with soil-building practices. The amount of net payment earned for the farm in connection with soil-building practices shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in the 1940 program, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in the 1940 program. All persons contributing to the carrying out of any soil-building practice on a particular acreage shall be deemed to have contributed equally to the units of such practice unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto.

C. Proration of net deductions. If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on such farm, the sum of the net deductions computed for all persons on such farm shall be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments.

If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

SECTION IV. INCREASE IN SMALL PAYMENTS

The total payment computed under Sections I to III, inclusive, for any per-

son with respect to any farm shall be increased as follows:

A. Any payment amounting to 71 cents or less shall be increased to \$1.00;

B. Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

C. Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
\$1.00 to \$1.99	\$0.40
\$2.00 to \$2.99	.80
\$3.00 to \$3.99	1.20
\$4.00 to \$4.99	1.60
\$5.00 to \$5.99	2.00
\$6.00 to \$6.99	2.40
\$7.00 to \$7.99	2.80
\$8.00 to \$8.99	3.20
\$9.00 to \$9.99	3.60
\$10.00 to \$10.99	4.00
\$11.00 to \$11.99	4.40
\$12.00 to \$12.99	4.80
\$13.00 to \$13.99	5.20
\$14.00 to \$14.99	5.60
\$15.00 to \$15.99	6.00
\$16.00 to \$16.99	6.40
\$17.00 to \$17.99	6.80
\$18.00 to \$18.99	7.20
\$19.00 to \$19.99	7.60
\$20.00 to \$20.99	8.00
\$21.00 to \$21.99	8.40
\$22.00 to \$22.99	8.80
\$23.00 to \$23.99	9.20
\$24.00 to \$24.99	9.60
\$25.00 to \$25.99	10.00
\$26.00 to \$26.99	10.40
\$27.00 to \$27.99	10.80
\$28.00 to \$28.99	11.20
\$29.00 to \$29.99	11.60
\$30.00 to \$30.99	12.00
\$31.00 to \$31.99	12.40
\$32.00 to \$32.99	12.80
\$33.00 to \$33.99	13.20
\$34.00 to \$34.99	13.60
\$35.00 to \$35.99	14.00
\$36.00 to \$36.99	14.40
\$37.00 to \$37.99	14.80
\$38.00 to \$38.99	15.20
\$39.00 to \$39.99	15.60
\$40.00 to \$40.99	16.00
\$41.00 to \$41.99	16.40
\$42.00 to \$42.99	16.80
\$43.00 to \$43.99	17.20
\$44.00 to \$44.99	17.60
\$45.00 to \$45.99	18.00
\$46.00 to \$46.99	18.40
\$47.00 to \$47.99	18.80
\$48.00 to \$48.99	19.20
\$49.00 to \$49.99	19.60
\$50.00 to \$50.99	20.00
\$51.00 to \$51.99	20.40
\$52.00 to \$52.99	20.80
\$53.00 to \$53.99	21.20
\$54.00 to \$54.99	21.60
\$55.00 to \$55.99	22.00
\$56.00 to \$56.99	22.40
\$57.00 to \$57.99	22.80
\$58.00 to \$58.99	23.20
\$59.00 to \$59.99	23.60
\$60.00 to \$185.99	24.00
\$186.00 to \$199.99	(¹)
\$200.00 and over	(²)

¹ Increase to \$200.00.

² No increase.

SECTION V. PAYMENTS LIMITED TO \$10,000

The total of all payments made in connection with programs for 1940 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms located within a single State shall not exceed the sum of \$10,000 prior to deduction for association expenses in the county or counties with respect to which the payment is made. The total

of all payments made in connection with such programs to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000 prior to deduction for association expenses in the county or counties with respect to which the payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading the provisions of this section.

SECTION VI. DEDUCTIONS INCURRED ON OTHER FARMS

A. *Other farms in the same county.* If the total of the deductions computed under Section I with respect to any farm in a county exceeds the payment for full performance on such farm computed under Sections I and II, a landlord's or tenant's share of the amount by which the total deduction exceeds the total payment shall be deducted from that landlord's or tenant's share of the payments which would otherwise be made to him with respect to any other farm or farms in such county.

B. *Other farms in the State.* If the deductions computed under Section I for a landlord or tenant with respect to one or more farms in a county exceed the payments computed for such landlord or tenant on other farms in the county, the amount of those excess deductions shall be taken from the payments computed for the landlord or tenant with respect to any other farm or farms in the State. Before this can be done the State committee must find that the crops grown and practices adopted on the farm with respect to which the deductions are computed substantially offset the contribution to the program made on the other farm or farms.

SECTION VII. DEDUCTION FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

SECTION VIII. MATERIALS FURNISHED AS GRANTS OF AID

Wherever it is found practicable, limestone, superphosphate, trees, seed, and other farming materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid. Materials furnished are to be used in carrying out approved soil-

building practices which shall count toward meeting the soil-building goal for the farm.

A deduction from the total payment for the farm shall be made in the amount of the approximate average cost to the Agricultural Adjustment Administration in any county, State, or other area of any material furnished. This deduction shall be applied first to the payment computed for the person to whom the materials are furnished and the balance, if any, of the deduction shall be prorated among the payments to other persons sharing in the total payment for the farm for which such materials were obtained and on which they were used.

Materials shall only be furnished pursuant to a producer's request and agreement upon a form prescribed by the Agricultural Adjustment Administration. Such agreement shall provide that (1) in the event the amount of deduction for materials exceeds the amount of the payment with respect to the farm, the amount of such difference shall be paid by the producer to the Secretary; (2) if the producer uses the material in a manner which is not in substantial accord with the purposes for which such material was furnished, the deduction with respect to the material misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse; and (3) the finding of the county committee that the material has been used in a manner which is not in substantial accord with the purposes for which it was furnished and as to the amount of material so misused, shall be final when approved by the State committee, subject to the right of appeal under the provisions of Section XI.

Notwithstanding any other provisions of this bulletin, for any farm on which the only practices carried out are those through the use of materials furnished and no other performance is rendered, the furnishing of the materials shall be in lieu of any payment which otherwise might be computed for the farm.

The rate of deduction for materials furnished pursuant to provisions of this section for each State or county shall be established by the Agricultural Adjustment Administration.

SECTION IX. GENERAL PROVISIONS RELATING TO PAYMENTS

A. *Payment restricted to effectuation of purposes of the program.* 1. All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned (a) if he adopts or has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs, (b) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for

which such payment is otherwise authorized, or (c) if the county committee, acting in accordance with instructions issued by the State committee and having the approval of the regional director, finds that the forest lands owned or controlled by him have been abused by improper cutting.

2. Allotment payments will be made only for farms which are being operated in 1940. A farm will not be considered to be operated in 1940 unless it is tilled. For the purposes of the 1940 program a farm will be considered to be tilled only if an acreage equal to at least one-half the sum of the 1940 potato and commercial vegetable allotments established for the farm is devoted to one or more of the following uses:

- a. Seeded to a crop in 1940.
- b. A crop other than biennial or perennial hay is harvested in 1940.
- c. Green manure crops are plowed or disked under in 1940.

The farm will also be considered to be tilled if the State committee finds that none of the operations a, b, and c above were carried out because of conditions beyond the control of the operator, or if upon recommendation of the State committee, the regional director finds that the farm is actually being operated in 1940.

B. *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made (1) without regard to questions of title under State law, (2) without deduction of claims for advances (except as provided in subsection D of this Section I and indebtedness to the United States subject to setoff under orders issued by the Secretary), and (3) without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

C. *Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.* If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940. This provision shall be exercised only if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm

during the years 1937 to 1939, inclusive, and the reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device (including coercion, fraud or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program.

D. *Assignments.* Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the Agricultural Adjustment Administration and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Administration.

Nothing contained in this subsection (D) shall be construed to give the assignee a right to any payment other than that to which the farmer is entitled nor (as provided in the Statute) shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

E. *Excess cotton acreage.* Any person who knowingly plants cotton or causes cotton to be planted on his farm in 1940 on acreage in excess of the cotton acreage allotment for the farm for 1940 shall not be eligible for any payment whatsoever on that farm or any other farm under the provisions of the 1940 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1940 on an acreage in excess of the cotton acreage allotment for the farm for 1940 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the

planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

SECTION X. APPLICATION FOR PAYMENT

A. *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section III a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement or as owner-operator, or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices.

B. *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the county office not later than March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

C. *Applications for other farms.* If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof or which he rents to another for cash.

SECTION XI. APPEALS

Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any of

the following matters respecting any farm in the operation of which he has an interest as landlord, tenant or sharecropper: (a) eligibility to file an application for payment; (b) any acreage allotment, usual acreage, normal or actual yield, measurement or soil-building allowance; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

SECTION XII. DEFINITIONS

For the purposes of the 1940 program, unless the context otherwise requires:

A. Officials. 1. *Secretary* means the Secretary of Agriculture of the United States.

2. *Regional director* means the director of the division of the Agricultural Adjustment Administration in charge of the Agricultural Conservation Program in the Northeast Region.

3. *State committee* means the group of persons designated within any State to assist in the administration of the 1940 program in such State.

4. *County committee* means the group of persons elected within any county to assist in the administration of the 1940 program in such county.

B. Northeast Region means the area included in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

C. Farm means all adjacent or nearby farm land under the same ownership

which is operated by one person, including also:

1. Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with work-stock, farm machinery, and labor substantially separate from that for any other land; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

D. Miscellaneous. 1. *Person* means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

2. *Landlord or owner* means a person who owns land and rents such land to another person or operates such land.

3. *Sharecropper* means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

4. *Tenant* means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

SECTION XIII. AUTHORITY AND AVAILABILITY OF FUNDS

A. Authority. Pursuant to the authority vested in the Secretary of Agriculture by sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, payments and grants of aid will be made in New London and Windham Counties, Connecticut, for participation in the Agricultural Conservation Phase of the 1940 Unified Program for New London and Windham Counties, Connecticut. This participation shall be in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

B. Availability of funds. The provisions of the 1940 program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact and the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose. The

amounts of such payments and grants of aid in each county will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, the final estimate of payments which would be made in each county under the National 1940 Agricultural Conservation Program, and the extent of participation in the Agricultural Conservation Phase of the 1940 Unified Program for New London and Windham Counties. As an adjustment for participation, the rates of payment and deduction specified herein for either county may be increased or decreased by as much as 10 percent.

Done at Washington, D. C., this 22d day of March 1940. Witness the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-1210; Filed, March 23, 1940; 9:09 a. m.]

[NER-400-D]

THE AGRICULTURAL CONSERVATION PHASE OF THE 1940 UNIFIED PROGRAM FOR YORK COUNTY, MAINE

CONTENTS

- Sec. I. Allotments, Usual Acreages, Yields, Payments, and Deductions.
II. Soil-Building Goals, Soil-Building Allowance, and Practices.
III. Division of Payments and Deductions.
IV. Increase in Small Payments.
V. Payments Limited to \$10,000.
VI. Deductions Incurred on Other Farms.
VII. Deductions for Association Expenses.
VIII. Materials Furnished as Grants of Aid.
IX. General Provisions Relating to Payments.
X. Application for Payment.
XI. Appeals.
XII. Definitions.
XIII. Authority and Availability of Funds.

Payments and grants of aid will be made for participation in the Agricultural Conservation Phase of the Unified Program for York County, Maine (hereinafter referred to as the 1940 program), in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made.

The provisions of the regular 1940 Agricultural Conservation Program are not applicable in York County.

SECTION I. ALLOTMENTS, USUAL ACREAGES, YIELDS, PAYMENTS AND DEDUCTIONS

A. Corn

1. *Usual acreage of corn for grain.* Usual acreages of corn for grain shall be determined for all farms for which a payment is computed with respect to a potato acreage allotment and on which the usual acreage of corn for grain is more than 10 acres.

The usual acreage of corn for grain shall be determined on the basis of the

average annual acreage of corn harvested for grain and diverted therefrom during the years 1937, 1938, and 1939, with appropriate adjustments for crop rotation practices.

The sum of the usual acreages of corn for grain determined for such farms in a county shall not exceed the sum of the average annual acreages of corn harvested for grain and diverted therefrom on such farms during the years 1937, 1938, and 1939.

2. *Deduction.* (Any farm for which a potato allotment is determined.) \$10 per acre of corn harvested for grain in excess of the larger of the usual acreage of corn for grain determined for the farm or 10 acres.

B. Potatoes

1. *National goal.* The 1940 national goal for potatoes is 3,100,000 to 3,300,000 acres.

2. *National and State acreage allotments.* The national and State potato acreage allotments will be established by the Secretary.

3. *County acreage allotments.* County acreage allotments of potatoes shall be determined by the Agricultural Adjustment Administration with the assistance of the State committee by distributing the State acreage allotment of potatoes among the counties in the State on the basis of the acreage allotments determined under the 1939 program, taking into consideration trends in acreage on commercial potato farms and the acreage of potatoes on noncommercial farms.

4. *Farm acreage allotments.* A potato acreage allotment shall be determined by the county committee with the assistance of other local committees in the county in accordance with instructions contained in NER-417-P for each farm for which the normal acreage of potatoes is determined to be three acres or more. No potato acreage allotment shall be less than 3 acres unless it is reduced because there was planted on the farm in 1940 less than 90 percent of the farm's potato allotment.

Potato acreage allotments shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, production facilities, and the acreage of potatoes customarily grown on the farm. The potato acreage allotment for any farm shall compare with the potato acreage allotments for other farms in the same community which are similar with respect to such factors.

If less than 90 percent of the farm's potato allotment is planted, the potato allotment will be reduced to 110 percent of the acreage planted.

The sum of the potato acreage allotments determined for all farms (including those not participating in the program) in a county shall not exceed the county potato acreage allotment. The sum of the potato acreage allotments de-

termined for farms participating in the 1940 program shall not exceed their proportionate share of the county potato acreage allotment.

5. *Normal yields.* The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a potato acreage allotment is determined or a deduction is computed a normal yield for potatoes in accordance with the instructions contained in NER-417-P and the following provisions:

a. The normal yield of potatoes for any farm shall be determined on the basis of the yields of potatoes made on the farm with due consideration for type of soil, production practices, and the general fertility of the land.

b. The average yield for all farms in any county shall not exceed the county yield established by the Secretary.

6. *Payment.* 3 cents per bushel of the normal yield of potatoes for the farm for each acre in its potato allotment.

7. *Deduction.* 30 cents per bushel of the normal yield for the farm for each acre planted to potatoes in excess of the larger of the potato allotment or 3 acres.

D. Commercial Vegetables

1. *Farm acreage allotments.* A commercial vegetable acreage allotment shall be determined for each farm on which the average acreage of land normally planted to commercial vegetables is three acres or more. No commercial vegetable acreage allotment shall be less than 3 acres unless it is reduced because there was planted on the farm in 1940 less than 90 percent of the farm's vegetable allotment. The allotments shall be determined by the county committee with the assistance of other local committees in the county in accordance with instructions contained in NER-417-V.

The commercial vegetable acreage allotment shall be determined on the basis of the average acreage for 1936 and 1937 or the average of a later period adjusted to the 1936-1937 level. In determining the allotments, adjustments shall be made for abnormal weather conditions. The tillable acreage on the farm, type of soil, production facilities, crop rotation practices, and changes in farming practices shall also be taken into consideration.

If less than 90 percent of the farm's vegetable allotment is planted, the vegetable allotment will be reduced to 110 percent of the acreage planted.

The sum of the commercial vegetable acreage allotments determined for such farms in the county shall not exceed the sum of the average annual acreages of land planted in 1936 and 1937 to commercial vegetables on all such farms in the county and on farms in the county for which no commercial vegetable allotment is established but on which the average acreage of commercial vegetables

planted in 1936 and 1937 was 3 acres or more except that fair and reasonable adjustment in such acreage may be made by the State committee, in accordance with instructions contained in NER-418 among commercial vegetable counties in the State on the basis of shifts in commercial vegetable production.

2. *Commercial vegetables* means the acreage of vegetables and truck crops of which the principal part of the production is sold to persons not living on the farm. This definition includes, among others, tomatoes, sweet corn, cantaloups, commercial bulbs and flowers, and strawberries, but excludes Irish potatoes, peas for canning or freezing, sweet corn for canning, and watermelons.

3. *Acreage planted to commercial vegetables* means the acreage of land planted in 1940 to annual commercial vegetables and also the acreage of land from which perennial commercial vegetables are harvested in 1940.

4. *Payment.* \$1.50 for each acre in the commercial vegetable acreage allotment.

5. *Deduction.* \$20 per acre for each acre of land planted to commercial vegetables in excess of the larger of the commercial vegetable allotment or 3 acres.

SECTION II. SOIL-BUILDING GOALS, SOIL-BUILDING ALLOWANCE, AND PRACTICES

A. *National goal.* The national goal is the conservation of the cropland not required in 1940 for the growing of soil-depleting crops, the restoration, insofar as is practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops; and the carrying-out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

B. *County goals.* Insofar as practicable, county goals shall be determined for particular soil-building practices which are not routine farming practices in the county and which are most needed in the county in order to conserve and improve soil fertility and to prevent wind and water erosion.

C. *Farm goals.* Insofar as practicable, the county committee shall determine for individual farms practices to be followed which are not routine farming practices on the farm, but which are needed on the farm in order to conserve and improve soil fertility and prevent wind and water erosion and which will tend to accomplish the goals, if any, determined for the county with respect to particular soil-building practices.

D. *Pasture improvement allowance.* Each farm on which there are at least 5 bovine animal units will have a pasture improvement allowance of 1,000 pounds of ground limestone and 100 pounds of triple superphosphate for each 5 bovine animal units on the farm at the time request is made by the farmer for the materials in the pasture

improvement allowance. This allowance will be determined in accordance with the following schedule:

Animal units	Pasture improvement allowance	
	Triple superphosphate	Limestone
5 to 9, inclusive	100	1,000
10 to 14, inclusive	200	2,000
15 to 19, inclusive	300	3,000
20 to 24, inclusive	400	4,000
25 to 29, inclusive, etc.	500	5,000

Any dairy or beef animal that has reached the age of 2 years shall be considered one bovine animal unit. Any dairy or beef animal younger than this but over six months of age shall be considered as one-half ($\frac{1}{2}$) a bovine animal unit.

This pasture improvement allowance is in addition to the soil-building and other allowances and may be used only for carrying out the following practices on pasture land approved in advance by the county committee:

Practice No. P-1

The application to each one-half ($\frac{1}{2}$) acre of pasture land approved in advance by the county committee of 1,000 pounds of ground limestone furnished by the Agricultural Adjustment Administration under the pasture improvement allowance.

The cost of this material will be deducted from any other payment otherwise earned on the farm if (1) practice No. P-2 is not applied to the same acreage, or (2) there is not carried out on an equal acreage of pasture land approved in advance by the county committee practices No. 3-B or 3-C and 5-B or 5-C.

Practice No. P-2

The application to each one-half ($\frac{1}{2}$) acre of the pasture land approved in advance by the county committee and on which practice No. P-1 was carried out of 100 pounds of triple superphosphate furnished by the Agricultural Adjustment Administration under the pasture improvement allowance.

The cost of this material will be deducted from any payment otherwise earned on the farm if (1) the triple superphosphate furnished for this practice is not applied to the same land on which practice No. P-1 is used or (2) there is not carried out on an equal acreage of other pasture land approved in advance by the county committee practices No. 3-B or 3-C and 5-B or 5-C.

If any material furnished under the pasture improvement allowance is disposed of or used for purposes other than carrying out approved soil-building practices, twice the cost of the material will be deducted from any payment otherwise earned on the farm.

E. *Reforestation allowances.* Each farm will have a reforestation allowance

of \$30 in addition to the soil-building allowance. This reforestation allowance may be earned by planting transplanted forest trees at the rate of at least 1,000 trees per acre spaced about 6 by 6 feet. One thousand trees planted on two or more small tracts of less than 1 acre each shall be considered as an acre, even though the total area may be larger. Shrubs helpful to wildlife may be included in the planting.

Areas planted must be given reasonable protection against fire and damage by livestock-grazing and must be cultivated in accordance with good tree culture and wildlife-management practice.

Species approved for planting are white pine, when currant and gooseberry bushes have been cleaned out; red (Norway) pine; red spruce; Norway spruce; Scotch pine in mixed planting; and hybrid poplars. Other species must be approved by the State committee.

Payment at the rate of \$7.50 per acre will be allowed toward earning the reforestation allowance.

F. *Soil-building allowance.* A soil-building allowance will be computed for each farm and will represent the largest amount which can be earned on any farm by carrying out soil-building practices.

1. The soil-building allowance for any farm on which the sum of the following items is \$20 or more shall be equal to that sum:

a. 70 cents per acre of cropland in excess of the potato allotment.

Cropland means farm land which in 1939 was tilled or was in regular rotation excluding any land in commercial orchards.

b. \$2 per acre of commercial orchards on the farm January 1, 1940.

Commercial orchards means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1940, from which the principal part of the production is normally sold. This definition does not include non-bearing orchards and non-bearing vineyards.

c. 40 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland.

Fenced noncrop open pasture land means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland and which is capable of maintaining during the normal pasture season at least one animal unit for each five acres.

Animal unit means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

2. The soil-building allowance for any farm on which the total of the cropland,

orchard, and pasture items is less than \$20, shall be the larger of:

a. The sum of items, 1a, 1b, and 1c listed in subsection F above, or

b. The amount obtained by subtracting the sum of the maximum allotment payments computed from \$20.

G. *Soil-building practices.* The soil-building practices listed in the following schedule shall count toward earning the soil-building allowance to the extent indicated therein when such practices are not disapproved for the farm by the county committee and are carried out under the provisions of the 1940 program during a period November 1, 1939, to October 31, 1940, inclusive, in accordance with the specifications contained herein.

If one-half or more of the total cost of carrying out any practice is represented by labor, seed, trees, or materials furnished by a State or Federal agency other than the Agricultural Adjustment Administration, the practice shall not be counted toward earning the soil-building allowance. If less than one-half of the total cost of carrying out any practice is represented by labor, seed, trees, or materials furnished by a State or Federal agency other than the Agricultural Adjustment Administration, one-half of the practice shall be counted toward earning the soil-building allowance. Labor, seed, trees, and materials furnished to a State, a political subdivision of a State, or an agency thereof by any agency of the same State shall not be deemed to have been furnished by "a State _____ agency" within the meaning of this paragraph.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to have been paid for in whole or in part by a State or Federal agency.

The rates of payment listed below are the maximum rates allowable, and the rates of payment for any practice included may be adjusted downward by the State committee with the approval of the Agricultural Adjustment Administration in order to reflect relatively lower costs or relative desirability of the practice.

Schedule of Soil-Building Practices

Practice No. 1—Seeding Permanent Pasture

Rate of payment. \$3 per acre. The sowing of at least 9 pounds per acre of a permanent pasture mixture containing 2 parts by weight of ladino clover and 7 parts by weight of timothy.

If the stand is unsatisfactory, payment will not be allowed for the practice unless the farmer submits to his county committee a soil test which conforms to the regulations of the State committee, or other evidence that enough lime and fertilizer were used to assure ordinarily a good stand. In general, about the same amount of lime and fertilizer is needed

for ladino clover as is needed for red clover.

Practice No. 2—Reseeding Depleted Pastures

Rate of payment. \$1.50 for each 10 pounds of seed but not in excess of \$1.50 per acre so seeded. The reseeded of depleted established pastures with good seed of adapted pasture grasses or grasses and legumes.

If the stand is unsatisfactory, payment will not be allowed for the practice unless the farmer submits to his county committee a soil test which conforms to the regulations of the State committee, or other evidence that enough lime, fertilizer, and seed were used to assure ordinarily a good stand.

Practice No. 3—Applying Available Phosphoric Acid to Build up and Maintain the Fertility of the Soil

Rate of payment. \$1.50 for each 48 pounds. The application of at least 32 pounds per acre of available phosphoric acid in connection with the seeding of biennial or perennial legumes, perennial grasses, winter legumes, green manure crops in orchards, or permanent pastures, or on green manure crops in orchards or on established orchard, pasture, or hay land sod.

On livestock farms, at least 25 percent of the phosphoric acid used under the program should be incorporated in manure prior to storage, or in the gutter when manure is hauled directly to the field. Payment will be allowed for the phosphoric acid used with manure only if the manure is applied to or in connection with the seeding of biennial or perennial legumes, perennial grasses, winter legumes, green manure crops in orchards, or permanent pastures.

When phosphoric acid is used on a nurse crop which is harvested for grain, payment will be allowed only for the amount used over 32 pounds per acre.

Practice No. 3-A—Applying Superphosphate Furnished by the A. A. A. to Build Up and Maintain the Fertility of the Soil

Rate of payment. \$1.50 for each 100 pounds of triple superphosphate. The application in connection with the seeding of biennial or perennial legumes, perennial grasses, winter legumes, green manure crops in orchards, or permanent pastures, or as a top dressing on green manure crops in orchards, or on established orchard, pasture, or hay land sod, of at least 32 pounds per acre of available phosphoric acid in triple superphosphate furnished by the Agricultural Adjustment Administration. On livestock farms the triple superphosphate may be mixed with manure prior to storage or in the gutter when the manure is to be hauled directly to the field.

Payment will be allowed for the triple superphosphate used with manure only if the manure is applied to or in con-

nection with the seeding of biennial or perennial legumes, perennial grasses, winter legumes, green manure crops in orchards, or permanent pastures.

Triple superphosphate furnished by the Agricultural Adjustment Administration shall not be used on a nurse crop which is to be harvested for grain.

Practice No. 3-B—Applying Superphosphate to Pasture Land Approved in Advance by the County Committee

Rate of payment. \$1.25 for each 200 pounds of 20 percent superphosphate or its equivalent. The application to each one-half ($\frac{1}{2}$) acre of pasture land approved in advance by the county committee of at least 250 pounds of 20 percent superphosphate, or its equivalent, which is purchased by the farmer. Credit will not be allowed for practice No. P-1 or P-2 under the pasture improvement allowance unless this superphosphate (or superphosphate under 3-C) is applied to the same acreage of pasture land on which practice No. 5-B or 5-C is also carried out.

Practice No. 3-C—Applying Triple Superphosphate Furnished by the Agricultural Adjustment Administration to Pasture Land

Rate of payment. \$1.50 for each 100 pounds of triple superphosphate. The application to each one-half ($\frac{1}{2}$) acre of pasture land approved in advance by the county committee of at least 100 pounds of triple superphosphate which is furnished by the Agricultural Adjustment Administration under the soil-building allowance. Credit will not be allowed for practice No. P-1 or P-2 under the pasture improvement allowance unless this superphosphate (or superphosphate under 3-B) is applied to the same acreage of pasture land on which practice No. 5-B or 5-C is also carried out.

Practice No. 4—Applying Available Potash to Build up and Maintain the Fertility of the Soil

Rate of Payment. \$1.50 for each 75 pounds (2 cents per pound). The application of at least 20 pounds per acre of available potash in connection with the seeding of biennial or perennial legumes, perennial grasses, winter legumes, or permanent pastures; or on established orchard, pasture, or hay land sod.

Practice No. 5—Liming Cropland, Pasture Land, or Orchards

Rate of payment—Pulverized or ground limestone. \$2.50 for each 500 pounds of calcium oxide neutralizing equivalents which will pass through a 20-mesh sieve and which contain all of the fine material produced in the grinding.

Hydrated lime. \$2.50 for each 500 pounds of calcium oxide neutralizing equivalents.

Pulp mill lime. \$1.50 for each cubic yard.

(1) The application of at least 500 pounds per acre of calcium oxide neutral-

izing equivalents to orchards, pasture land, or cropland which is not used for the production of potatoes.

(2) The application of not more than 500 pounds per acre of calcium oxide neutralizing equivalents to land in a potato rotation. If the land is to be planted to potatoes in 1941, the liming material must be applied prior to July 15, 1940.

Payment will not be allowed for the application of liming material to land which is to be planted to potatoes in 1940. This does not prohibit payment for applying liming material in accordance with item (2) after the 1940 crop of potatoes is harvested.

Payment will not be allowed for the application of any liming material which is disapproved by the county committee.

One hundred pounds of magnesium oxide is equivalent in neutralizing value to 140 pounds of calcium oxide.

Recommended liming materials. Hydrated lime, pulverized or ground limestone, marl, wood ashes, pulp mill lime, dump lime, or other material approved by the State committee.

Practice No. 5A—Liming Cropland, Pasture Land, or Orchards With Liming Material Furnished by the A. A. A.

Rate of payment—Pulverized or ground limestone. \$2.50 for each 500 pounds of calcium oxide neutralizing equivalents which will pass through a 20-mesh sieve and which contain all of the fine material produced in the grinding.

Hydrated lime. \$2.50 for each 500 pounds of calcium oxide neutralizing equivalents.

Pulp mill lime. \$1.50 for each cubic yard.

(1) The application to orchards, pasture land, or cropland which is not used for the production of potatoes of at least 500 pounds per acre of calcium oxide neutralizing equivalents in liming material furnished by the Agricultural Adjustment Administration.

(2) The application to cropland in a potato rotation of not more than 500 pounds per acre of calcium oxide neutralizing equivalents in liming material furnished by the Agricultural Adjustment Administration. If the land is to be planted to potatoes in 1941, the liming material must be applied prior to July 15, 1940.

Payment will not be allowed for the application of liming material to cropland which is to be planted to potatoes in 1940. This does not prohibit payment for applying liming material in accordance with item (2) after the 1940 crop of potatoes is harvested.

Practice No. 5B—Liming Pasture Land Approved in Advance by the County Committee

Rate of payment—Pulverized or ground limestone. \$2.50 for each 500 pounds of calcium oxide neutralizing equivalents which will pass through a 20-mesh sieve

and which contain all of the fine material produced in the grinding.

Hydrated lime. \$2.50 for each 500 pounds of calcium oxide neutralizing equivalents.

Pulp mill lime. \$1.50 for each cubic yards.

The application to each one-half ($\frac{1}{2}$) acre of pasture land approved in advance by the county committee of at least 1,000 pounds of standard ground limestone which is purchased by the farmer. Credit will not be allowed for practice No. P-1 or P-2 under the pasture improvement allowance unless this ground limestone (or limestone under 5-C) is applied to the same acreage of pasture land on which practice No. 3-B or 3-C is also carried out.

Practice No. 5C—Liming Pasture Land Approved in Advance by the County Committee with Liming Materials Furnished by the Agricultural Adjustment Administration

Rate of payment—Pulverized or ground limestone. \$2.50 for each 500 pounds of calcium oxide neutralizing equivalents which will pass through a 20-mesh sieve and which contain all of the fine material produced in the grinding.

The application to each one-half ($\frac{1}{2}$) acre of pasture land approved in advance by the county committee of at least 1,000 pounds of ground limestone furnished by the Agricultural Adjustment Administration under the soil-building allowance. Credit will not be allowed for practice No. P-1 or P-2 under the pasture improvement allowance unless this ground limestone (or limestone under 5-B) is applied to the same acreage of pasture land on which practice No. 3-B or 3-C is also carried out.

Practice No. 6—Green Manure

Rate of payment. \$1.50 per Acre. The plowing or disking under of a good stand and a good growth of (1) biennial or perennial legumes or grasses for which no payment for seeding is allowed in 1940 and, except in orchards, from which no crop of such legumes or grasses has ever been harvested; (2) annual legumes; or (3) annual grasses or small grains used as summer green manure crops on vegetable, potato, or orchard land, or used as winter green manure crops. If the crop used is one which is normally winter-killed, payment will be allowed for leaving a good stand and a good growth on the land instead of plowing or disking it under.

If the crop is grown in orchards and sufficient fertilizing material has been applied to attain a good stand and a good growth of such crop evenly distributed on the land, payment will be allowed for cutting and leaving it on the land instead of plowing or disking it under.

Practice No. 7—Stripcropping

Rate of payment. \$0.75 for each 2 acres. The planting of cropland in strips. Strips of intertilled crops must be

separated by strips of close-growing crops.

Payment will not be allowed unless operators carry out the practice in accordance with instructions issued by the Soil Conservation Service or the State Extension Service.

Practice No. 8—Contour Cultivation

Rate of payment. \$0.75 for each 4 acres. The farming of intertilled crops on the contour.

Payment will not be allowed unless operators carry out the practice in accordance with instructions issued by the Soil Conservation Service or the State Extension Service.

Practice No. 9—Terracing

Rate of payment. \$1.50 for each 200 linear feet. The construction of standard terrace, diversion terrace, or diversion ditches, for which proper outlets are provided.

Payment will not be allowed unless operators carry out the practice in accordance with instructions issued by the Soil Conservation Service or the State Extension Service.

Practice No. 10—Mulching Orchards and Vegetable Land

Rate of payment. \$3 per ton. The application of at least 2 tons per acre of mulching material to orchards or vegetable land in addition to leaving on the land all material produced thereon during 1940 from grasses, legumes, or green manure, or cover crops.

Mulching materials:	Percentage of weight for credit
1. Air-dried straw	100
2. Air-dried tame or marsh hay	100
3. Green tame or marsh hay	50
4. Air-dried peat	100
5. Wet peat	50
6. Seaweed (dry)	100
7. Seaweed (wet)	25
8. Poultry litter (dry)	100
9. Poultry litter (wet)	50
10. Pea waste (wet)	50
11. Other materials approved by the State Committee.	

Practice No. 11—Improving Woodlands

Rate of payment. \$3 per acre. The improvement of the stand of forest trees under a system of farm woodland and wildlife management which includes pruning or thinning or, if needed, both. At least 100 good timber trees or trees which can become good timber trees must be left well scattered on each acre of woodland improved. The approval of the county committee must be obtained before performing this practice.

If pruning is done, it must be confined to pine or spruce not over 8 inches in diameter and must be done with a saw or pruning shears after the area has been properly thinned.

Practice No. 12—Excluding Livestock From Farm Woodland

Rate of payment. \$0.75 for each 2 acres. The restoration of farm woodland or sugar maple orchards, previously

used for pasture, by keeping out livestock.

Payment will be allowed for each acre of woodland out of which livestock are kept, but for not more than 2 acres for each animal unit which is normally allowed to graze in the woodland.

Animal unit means one cow, two calves, one horse, two colts, five sheep, or five goats, or the equivalent thereof.

The operator must obtain approval of the county committee before performing this practice.

If under the 1936, 1937, 1938, or 1939 program a farmer has received payment for constructing fence to keep livestock out of woodland or for keeping livestock out of sugar maple orchards or other woodlands and the county committee determines that in 1940 livestock were again allowed by that farmer to graze in a part or all of the same woodland or sugar maple orchard, an amount equal to the previous payments will be withheld from any payment which would otherwise be made to such farmer under the 1940 program.

Practice No. 13—Planting Forest Trees

Rate of payment. \$7.50 per acre. The planting of transplanted forest trees of approved species at the rate of at least 1,000 trees per acre, spaced about 6 by 6 feet. One thousand trees planted on two or more small tracts of less than 1 acre each shall be considered as an acre, even though the total area may be larger. Shrubs helpful to wildlife may be included.

Areas planted must be given reasonable protection against fire and damage by livestock-grazing and must be cultivated in accordance with good tree culture and wildlife-management practice.

Species approved for planting are white pine, when currant and gooseberry bushes have been cleaned out; red (Norway) pine; red spruce; Norway spruce; Scotch pine in mixed planting; and hybrid poplars. Other species must be approved by the State committee.

SECTION III. DIVISION OF PAYMENTS AND DEDUCTIONS

A. Payments and deductions in connection with potatoes and commercial vegetables. 1. The net payment or net deduction computed for any farm with respect to potatoes or commercial vegetables, shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of percentages) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1940: *Provided*, That if such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant bed diseases, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee de-

termines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the acreage allotment for such crop had been planted and harvested in 1940.

2. In computing such net payments and such net deductions with respect to potato and commercial vegetable acreage allotments, the deduction with respect to corn for grain shall be regarded as a pro rata deduction with respect to the payments computed in connection with the potato and commercial vegetable acreage allotments.

B. *Payments in connection with soil-building practices.* The amount of net payment earned for the farm in connection with soil-building practices shall be paid to the landlord, tenant, or share-cropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in the 1940 program, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in the 1940 program. All persons contributing to the carrying out of any soil-building practice on a particular acreage shall be deemed to have contributed equally to the units of such practice unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto.

C. *Proration of net deductions.* If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on such farm, the sum of the net deductions computed for all persons on such farm shall be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments.

If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

SECTION IV. INCREASE IN SMALL PAYMENTS

The total payment computed under Sections I to III, inclusive, for any person with respect to any farm shall be increased as follows:

A. Any payment amounting to 71 cents or less shall be increased to \$1.00;

B. Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

C. Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
\$1.00 to \$1.99	\$0.40
\$2.00 to \$2.99	.80
\$3.00 to \$3.99	1.20
\$4.00 to \$4.99	1.60
\$5.00 to \$5.99	2.00
\$6.00 to \$6.99	2.40
\$7.00 to \$7.99	2.80
\$8.00 to \$8.99	3.20
\$9.00 to \$9.99	3.60
\$10.00 to \$10.99	4.00
\$11.00 to \$11.99	4.40
\$12.00 to \$12.99	4.80
\$13.00 to \$13.99	5.20
\$14.00 to \$14.99	5.60
\$15.00 to \$15.99	6.00
\$16.00 to \$16.99	6.40
\$17.00 to \$17.99	6.80
\$18.00 to \$18.99	7.20
\$19.00 to \$19.99	7.60
\$20.00 to \$20.99	8.00
\$21.00 to \$21.99	8.20
\$22.00 to \$22.99	8.40
\$23.00 to \$23.99	8.60
\$24.00 to \$24.99	8.80
\$25.00 to \$25.99	9.00
\$26.00 to \$26.99	9.20
\$27.00 to \$27.99	9.40
\$28.00 to \$28.99	9.60
\$29.00 to \$29.99	9.80
\$30.00 to \$30.99	10.00
\$31.00 to \$31.99	10.20
\$32.00 to \$32.99	10.40
\$33.00 to \$33.99	10.60
\$34.00 to \$34.99	10.80
\$35.00 to \$35.99	11.00
\$36.00 to \$36.99	11.20
\$37.00 to \$37.99	11.40
\$38.00 to \$38.99	11.60
\$39.00 to \$39.99	11.80
\$40.00 to \$40.99	12.00
\$41.00 to \$41.99	12.10
\$42.00 to \$42.99	12.20
\$43.00 to \$43.99	12.30
\$44.00 to \$44.99	12.40
\$45.00 to \$45.99	12.50
\$46.00 to \$46.99	12.60
\$47.00 to \$47.99	12.70
\$48.00 to \$48.99	12.80
\$49.00 to \$49.99	12.90
\$50.00 to \$50.99	13.00
\$51.00 to \$51.99	13.10
\$52.00 to \$52.99	13.20
\$53.00 to \$53.99	13.30
\$54.00 to \$54.99	13.40
\$55.00 to \$55.99	13.50
\$56.00 to \$56.99	13.60
\$57.00 to \$57.99	13.70
\$58.00 to \$58.99	13.80
\$59.00 to \$59.99	13.90
\$60.00 to \$185.99	14.00
\$186.00 to \$199.99	(¹)
\$200.00 and over	(²)

¹ Increase to \$200.00.

² No increase.

SECTION V. PAYMENTS LIMITED TO \$10,000

The total of all payments made in connection with programs for 1940 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms located within a single State shall not exceed the sum of \$10,000 prior to deduction for association expenses in the county or counties with respect to which the payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States

(including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000 prior to deduction for association expenses in the county or counties with respect to which the payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading the provisions of this section.

SECTION VI. DEDUCTIONS INCURRED ON OTHER FARMS

A. *Other farms in the same county.* If the total of the deductions computed under Section I with respect to any farm in a county exceeds the payment for full performance on such farm computed under Sections I and II, a landlord's or tenant's share of the amount by which the total deduction exceeds the total payment shall be deducted from that landlord's or tenant's share of the payments which would otherwise be made to him with respect to any other farm or farms in such county.

B. *Other farms in the State.* If the deductions computed under Section I for a landlord or tenant with respect to one or more farms in a county exceed the payments computed for such landlord or tenant on other farms in the county, the amount of these excess deductions shall be taken from the payments computed for the landlord or tenant with respect to any other farm or farms in the State. Before this can be done the State committee must find that the crops grown and practices adopted on the farm with respect to which the deductions are computed substantially offset the contribution to the program made on the other farm or farms.

SECTION VII. DEDUCTION FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

SECTION VIII. MATERIALS FURNISHED AS GRANTS OF AID

Wherever it is found practicable, limestone, superphosphate, trees, seed, and other farming materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid. Materials furnished are to be used in carrying out approved soil-building practices which

shall count toward meeting the soil-building goal for the farm.

A deduction from the total payments for the farm shall be made in the amount of the approximate average cost to the Agricultural Adjustment Administration in any county, State, or other area of any material furnished. This deduction shall be applied first to the payment computed for the person to whom the materials are furnished and the balance, if any, of the deduction shall be prorated among the payments to other persons sharing in the total payment for the farm for which such materials were obtained and on which they were used.

Materials shall only be furnished pursuant to a producer's request and agreement upon a form prescribed by the Agricultural Adjustment Administration. Such agreement shall provide that (1) in the event the amount of deduction for materials exceeds the amount of the payment with respect to the farm, the amount of such difference shall be paid by the producer to the Secretary; (2) if the producer uses the material in a manner which is not in substantial accord with the purposes for which such material was furnished, the deduction with respect to the material misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse; and (3) the finding of the county committee that the material has been used in a manner which is not in substantial accord with the purposes for which it was furnished and as to the amount of material so misused, shall be final when approved by the State committee, subject to the right of appeal under the provisions of Section XI.

Notwithstanding any other provisions of this bulletin, for any farm on which the only practices carried out are those through the use of materials furnished and no other performance is rendered, the furnishing of the materials shall be in lieu of any payment which otherwise might be computed for the farm.

The rate of deduction for materials furnished pursuant to provisions of this section for each State or county shall be established by the Agricultural Adjustment Administration.

SECTION IX. GENERAL PROVISIONS RELATING TO PAYMENTS

A. Payment restricted to effectuation of purposes of the program. 1. All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned (a) if he adopts or has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs, (b) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the per-

formance for which such payment is otherwise authorized, or (c) if the county committee, acting in accordance with instructions issued by the State committee and having the approval of the regional director, finds that the forest lands owned or controlled by him have been abused by improper cutting.

2. Allotment payments will be made only for farms which are being operated in 1940. A farm will not be considered to be operated in 1940 unless it is tilled. For the purposes of the 1940 program a farm will be considered to be tilled only if an acreage equal to at least one-half the sum of the 1940 potato and commercial vegetable allotments established for the farm is devoted to one or more of the following uses:

- a. Seeded to a crop in 1940.
- b. A crop other than biennial or perennial hay is harvested in 1940.
- c. Green manure crops are plowed or disked under in 1940.

The farm will also be considered to be tilled if the State committee finds that none of the operations a, b, and c above were carried out because of conditions beyond the control of the operator, or if, upon recommendation of the State committee, the regional director finds that the farm is actually being operated in 1940.

B. Payment computed and made without regard to claims. Any payment or share of payment shall be computed and made (1) without regard to questions of title under State law, (2) without deduction of claims for advances (except as provided in subsection D of this Section IX and indebtedness to the United States subject to setoff under orders issued by the Secretary), and (3) without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

C. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices. If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940. This provision shall be exercised only if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive,

and the reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device (including coercion, fraud or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program.

D. Assignments. Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the Agricultural Adjustment Administration and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Administration.

Nothing contained in this subsection (D) shall be construed to give the assignee a right to any payment other than that to which the farmer is entitled nor (as provided in the Statute) shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

E. Excess cotton acreage. Any person who knowingly plants cotton or causes cotton to be planted on his farm in 1940 on acreage in excess of the cotton acreage allotment for the farm for 1940 shall not be eligible for any payment whatsoever on that farm or any other farm under the provisions of the 1940 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1940 on an acreage in excess of the cotton acreage allotment for the farm for 1940 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the

tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

SECTION X. APPLICATION FOR PAYMENT

A. Persons eligible to file applications. An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section III a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement or as owner-operator, or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices.

B. Time and manner of filing application and information required. Payment will be made only upon application submitted through the county office not later than March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

C. Applications for other farms. If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof or which he rents to another for cash.

SECTION XI. APPEALS

Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant or sharecropper: (a) eligibility to file an application for payment; (b) any acreage allotment, usual acreage, normal or ac-

tual yield, measurement or soil-building allowance; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

SECTION XII. DEFINITIONS

For the purposes of the 1940 program, unless the context otherwise requires:

A. Officials. 1. *Secretary* means the Secretary of Agriculture of the United States.

2. *Regional Director* means the director of the division of the Agricultural Adjustment Administration in charge of the Agricultural Conservation Program in the Northeast Region.

3. *State Committee* means the group of persons designated within any State to assist in the administration of the 1940 program in such State.

4. *County Committee* means the group of persons elected within any county to assist in the administration of the 1940 program in such county.

B. Northeast Region means the area included in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

C. Farm means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration,

determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

D. Miscellaneous. 1. *Person* means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

2. *Landlord or owner* means a person who owns land and rents such land to another person or operates such land.

3. *Sharecropper* means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

4. *Tenant* means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

SECTION XIII. AUTHORITY AND AVAILABILITY OF FUNDS

A. Authority. Pursuant to the authority vested in the Secretary of Agriculture by sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, payments and grants of aid will be made in York County, Maine, for participation in the Agricultural Conservation Phase of the 1940 Unified Program for York County, Maine. This participation shall be in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

B. Availability of funds. The provisions of the 1940 program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact and the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose. The amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, the final estimate of payments which would be made in the county under the

National 1940 Agricultural Conservation Program, and the extent of participation in the Agricultural Conservation Phase of the 1940 Unified Program for York County. As an adjustment for participation, the rates of payment and deduction specified herein may be increased or decreased by as much as 10 percent.

Done at Washington, D. C., this 22d day of March, 1940. Witness the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-1211; Filed, March 23, 1940;
9:10 a. m.]

[NCR-401-L]

1940 AGRICULTURAL CONSERVATION PROGRAM LICKING COUNTY, OHIO

Sec.	CONTENTS
I.	Definitions.
II.	Crops for which special allotments are determined.
A.	Corn.
1.	Definitions and allotments.
2.	Normal yields.
B.	Wheat.
1.	Definitions and allotments.
2.	Normal yields.
III.	Classification of land use or treatment with associated productivity factors.
1.	Cropland not planted.
2.	Cropland planted to field crops for harvesting within the crop year.
3.	Cropland on which is growing a good stand of hay or pasture plants.
4.	Cropland into which is incorporated a green manure or a residue crop.
5.	Cropland planted to vegetables and special crops for harvesting within the crop year.
6.	Cropland occupied by fruit or forest tree planting.
7.	Commercial fertilizer applied to cropland.
8.	Limestone applied to cropland.
9.	Cropland contour tilled or strip cropped on the contour.
IV.	Productivity balance values and erosion factors.
V.	Cropland conserving payments.
1.	Maintenance payment.
2.	Building payment.
VI.	Pasture land conserving payments.
1.	Fertilizing materials.
2.	Liming materials.
VII.	Soil conserving payments for tree planting.
VIII.	Division of payments.
1.	Cropland conserving payments.
2.	Conserving payments for pasture land and for tree planting.
IX.	Increase in small payments.
X.	Payments limited to \$10,000.
XI.	Deduction incurred on other farms.
1.	Other farms in Licking County.
2.	Other farms in the State.
XII.	Deduction for association expenses.
XIII.	Materials furnished as grants of aid.
XIV.	General provisions relating to payments.
A.	Payment restricted to effectuation of purposes of the program.
B.	Payment computed and made without regard to claims.
C.	Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.
D.	Assignments.
E.	Excess cotton acreage.
XV.	Application for payment.
1.	Farms for which payment will be made.
2.	Persons eligible to file application.
3.	Time and manner of filing application and information required.
4.	Application for other farms.
XVI.	Appeals.
XVII.	Bulletins, instructions, and forms.

The fundamental purposes of the Licking County Agricultural Conservation Program for 1940 are to operate as part of the national agricultural conservation program: (1) to conserve and improve the soil resources of the nation; (2) to stabilize and maintain adequate food supplies for consumers; and (3) to help farmers secure their fair share of the national income.

The program provides for payments and grants of aid to farmers to help them pay at least part of the cost of carrying out these purposes by maintaining their present position on the maintenance payment scale, improving such position, and adapting pasture improvement and tree planting practices.

The Licking County Program is authorized by Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended. The provisions of the program are subject to such laws affecting the program as Congress may enact and are dependent upon the appropriation of funds by Congress. The amounts of the payments and grants of aid will be within the limits determined by such appropriation, the distribution of the funds according to the Act, as amended, the final estimate of payments which would be made in Licking County under the 1940 National Agricultural Conservation Program, and the extent of participation in the program. The rates of payment for any item may be increased or decreased as an adjustment for participation and the funds available. Payments and grants of aid will be made in Licking County for participation in the 1940 Licking County Agricultural Conservation Program (hereinafter referred to as the 1940 Program) in accordance with the provisions hereof and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1940 Licking County Program contained in this bulletin, except Section X and Section XIV, E, are not applicable to (1) counties other than Licking County, Ohio, and (2) public domain of the United States, including land owned by the United States and administered by the Forest Service of the United States Department of Agriculture, or other lands in which the beneficial ownership is in the United States.

For all purposes relating to the 1940 Program, farming operations and practices carried out during the program year, November 1, 1939, to October 31, 1940, will be deemed to have been carried out in 1940, but any acreage of land seeded in the fall of 1940 to a small grain crop will not for that reason be regarded as having been devoted to that crop in 1940.

SECTION I. DEFINITIONS

1. *North Central Region* means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

2. *State Committee* means the group of persons designated within any State to assist in the administration of the agricultural conservation programs in such State.

3. *County Committee* means the group of persons elected within any county to assist in the administration of the agricultural conservation programs in such county.

4. *Community Committee* means the group of persons elected within any township to assist in the administration of the agricultural conservation programs in the township.

5. *Landlord* means a person who owns land and operates it or rents it to another person.

6. *Tenant* means a person who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the crops produced on that land.

7. *Person* means an individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State or political subdivision of a State or any agency thereof.

8. *Farm* means all adjacent or nearby farm land under the same ownership, whether operated by one person or field-rented in whole or in part to one or more persons, and constituting a unit with respect to the rotation of crops.

If the operator and all the owners entitled to share in the crops request and agree, a farm may include any adjacent or nearby farm land if the county committee determines that:

a. The entire area of land is operated by the one person as part of one unit in the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land;

b. The yields and productivity of the differently owned tracts do not vary substantially;

c. The combination is not being made for the purpose of increasing acreage allotments or primarily for the purpose of effecting performance; and

d. The separately owned tracts constitute a farming unit for the operator and will be regarded in the community as constituting one farm in 1940.

A tract of land will not be considered as a farm unless (1) it contains at least three acres of farmland, or (2) the gross income normally obtained each year from the production of crops on the land is at least \$250.00.

A farm is regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling on the farm, it is regarded as located in the county in which the major portion of the farm is located.

9. *Cropland* means:

a. For 1939, that acreage which was, or could have been, determined to be cropland under the provisions of the 1939 Agricultural Conservation Program for Licking County, Ohio.

b. For 1940, a farm land which is tilled in 1940, was tilled in 1939, or was in regular rotation, excluding commercial orchards and any land growing a sod-producing crop in 1940, which, if tilled, will constitute an erosion hazard to that farm or to the community.

Land that was not devoted between January 1, 1935, and January 1, 1940, to the production of intertilled crops, small grain crops, or conserving crops seeded in regular rotation, should be considered *noncropland*, unless such land is suitable for the production of soil-depleting crops without clearing, or draining; is definitely equal to or superior to the land in the community used for the production of soil-depleting crops, with respect to productivity and adaptability to the production of such crops; if tilled will not become a serious erosion hazard; and will in the normal course of the crop rotation on the farm be used for the production of soil-depleting crops.

Land that was devoted between January 1, 1935, and January 1, 1940, to the production of crops should be considered *noncropland* if it is no longer cropped or suitable to the production of soil-depleting crops, by reason of severe erosion or lack of clearing or draining, and is inferior to the land in the farm used for the production of soil-depleting crops with respect to the productivity and adaptability to the production of such crops.

Land devoted to forest trees on January 1, 1940, will be considered as *non-crop land* unless it has been devoted since January 1, 1935, to the production of intertilled crops, small grain crops, or conserving crops.

10. *Open noncropland pasture* means any farm land not cropland on which the predominant growth is forage characteristic of grazing lands, provided this land is essentially free of brush, briars, stumps, and trees. Any acreage of noncropland pasture occupied to such an extent by stumps, trees, or other objects as to materially interfere with the application of liming or fertilizing materials or with the taking of measurement shall not qualify as open noncropland pasture. The term "open noncropland pasture" shall include any noncropland used for the production of wild hay.

11. *Winter cover crop* means (a) any biennial or perennial legume or grass or stubble of any of these crops, or (b) any small grain which will live through or into the winter, provided there is good and sufficient cover to protect the soil from wind and water erosion and leaching.

12. *Special allotment* means a corn or wheat allotment.

13. *Commercial orchards* means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, or bush fruits, on the farm on January 1, 1940 (excluding non-bearing orchards and

vineyards), from which the major portion of the production is normally sold.

14. *Productivity factor* is that rating given each crop, land use, or unit of land treatment denoting the relative degree to which that crop, land use, or unit of land treatment degrades or restores the soil. Restorative crops, land uses, or land treatments are denoted by positive factors, and the degrading is shown by negative factors.

15. *Productivity balance value* is that rating given each farm on the basis of the combined productivity factors for each crop, land use, or unit of land treatment on cropland, combined with the erosion factor on that cropland, denoting the degree to which the cropland on that farm is being degraded, maintained, or improved. A farm with a negative productivity balance value is assumed to be in a relative state of cropland deterioration, while a farm with a positive productivity balance value is assumed to be in a relative state of cropland improvement, and the size of the balance value denotes the relative rate of deterioration or improvement.

16. *Erosion factor* is that rating given each field and each farm on the basis of the average slope shown by the cropland on that farm, for the purpose of indicating the degree to which the cropland on such farm is subject to erosion.

SECTION II. CROPS FOR WHICH SPECIAL ALLOTMENTS ARE DETERMINED

A. Corn

1. Definitions and Allotments

a. *Commercial corn area* means counties which have produced an average of at least 450 bushels of corn per farm and 4 bushels of corn per acre of farm land during the past 10 years. It also includes bordering counties containing townships producing and likely to produce an average of 450 bushels of corn per farm and 4 bushels of corn per acre of farm land.

b. *Acreage planted to corn* means the acreage of land seeded to field corn, sweet corn, or popcorn, except: (1) Any acreage of sweet corn contracted to be sold for canning or freezing; (2) any acreage of sweet corn sold for canning, roasting ears or freezing; (3) any acreage of sweet corn to be sold or used as seed; (4) any acreage of popcorn sold or to be used as seed; (5) any acreage of sown corn used as a cover crop or green manure crop; and (6) any acreage of sweet corn or popcorn grown in home gardens for use on the farm.

c. *National goal*. The 1940 national goal for corn is 88,000,000 to 90,000,000 acres.

d. *Commercial area allotment*. The 1940 corn allotment for the commercial corn area is 36,638,000 acres.

e. *State allotments*. The State corn allotments (for commercial corn counties, including the States of Kansas and Kentucky) are:

State:	Acres
Illinois.....	6,513,876
Indiana.....	3,225,400
Iowa.....	8,193,223
Michigan.....	392,095
Minnesota.....	3,177,524
Missouri.....	2,876,339
Nebraska.....	5,905,316
Ohio.....	2,396,291
South Dakota.....	1,393,862
Wisconsin.....	667,577
Kansas.....	1,573,277
Kentucky.....	323,220

f. *County allotments*. County corn allotments are determined for the counties in the commercial corn area. The corn allotment for the commercial corn area in the State is distributed among the counties in the State in the commercial corn area. Distribution is made pro rata on the basis of the acreage planted to corn, plus the acreage diverted from corn under the agricultural adjustment and conservation programs, during the 10 years 1929 to 1938, inclusive, with adjustments for abnormal weather conditions and trends in acreage.

(1) The Licking County corn allotment is 43,103 acres, as determined in accordance with the North Central Region procedure for determining county corn allotments.

g. *Farm Acreage allotments*. Corn allotments shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The allotment for any farm shall compare with the allotments for other farms in the same community which are similar with respect to such factors. The corn acreage allotments determined for the farms in a county shall not exceed the county corn acreage allotment.

2. Normal Yields

The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a corn acreage allotment is determined a normal yield for corn in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions:

a. Where reliable records of the actual average yields per acre of corn for the ten years 1930 to 1939 are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions;

b. If for any year of such ten-year period reliable records of the actual average yield are not available or there was no actual yield because corn was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts including the yield customarily made on

the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such ten-year period; and

c. The yields determined under a and b above shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the respective corn acreage allotments determined for such farms) shall not exceed the county yield established by the Secretary.

B. Wheat

1. Definitions and Allotments

a. *Acreage planted to wheat* means:

(1) The acreage seeded to wheat alone;

(2) The acreage of volunteer wheat which remains on the land after May 1, 1940;

(3) Any other acreage seeded to a mixture containing wheat, except:

(a) Any acreage devoted to a wheat mixture. However, an acreage will not be considered as having been devoted to a wheat mixture if the crops other than wheat fail to reach maturity and the wheat is permitted to reach maturity.

b. *Wheat mixture* means a mixture of wheat and other small grains, excluding vetch, containing when seeded less than 50 percent by weight of wheat or less than 75 percent by weight of wheat when seeded with not less than 25 percent by weight of rye or barley, which are seeded in the same operation and may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop could not be harvested as wheat for grain or seed.

c. *National goal*. The 1940 national goal for wheat is 60 million acres to 65 million acres. The 1940 national wheat allotment is 62 million acres.

d. *State allotments*. The State wheat allotments for States in the North Central Region are:

State:	Acres
Illinois.....	1,938,259
Indiana.....	1,601,447
Iowa.....	456,046
Michigan.....	739,792
Minnesota.....	1,663,684
Missouri.....	1,963,713
Nebraska.....	3,560,400
Ohio.....	1,838,127
South Dakota.....	3,245,869
Wisconsin.....	99,128

e. *County allotments*. County wheat allotments are determined by distributing the State allotment among the counties in the State pro rata on the basis of the acreage seeded for wheat production, plus the acreage diverted under the agricultural adjustment and conservation programs, in such counties during the 10 years 1929 to 1938, inclusive, with adjustments for abnormal weather conditions and trends in acreage.

(1) The Licking County wheat allotment is 30,338 acres, as determined in accordance with the North Central

Region procedure for determining county wheat allotments.

f. *Farm acreage allotments*. Acreage allotments of wheat shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, for farms on which wheat has been planted for harvest in one or more of the years 1937, 1938, and 1939, on the basis of tillable acreage and crop rotation practices as reflected in the usual acreage of wheat on the farm, or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. Not more than 3 percent of the county wheat acreage allotment shall be apportioned to farms in such county on which wheat will be planted for harvest in 1940 but on which wheat was not planted for harvest in any one of the three years 1937, 1938, and 1939, on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The wheat acreage allotment for any farm shall compare with the wheat acreage allotments determined for other farms in the same community which are similar with respect to such factors. The wheat acreage allotments determined for farms in a county shall not exceed their proportionate share of the county wheat acreage allotment.

2. Normal Yields

The county committee with the assistance of the community committees will determine a normal yield for each farm for which a wheat allotment is determined or a deduction computed.

a. Where reliable records of the actual average yield per acre of wheat for the ten years 1929 to 1938 are presented by the farmer or are available to the committee, the normal yield for the farm will be the average of such yields adjusted for trends and abnormal weather conditions.

b. If for any year of the ten-year period reliable records of the actual yield are not available or there was no actual yield because wheat was not planted on the farm, the county committee will determine the normal yield for the farm. This will be based upon all available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land. The yields so determined will be adjusted so that the weighted average of the normal yields for all farms in the county will not exceed the county average yield.

SECTION III. CLASSIFICATION OF LAND USE OR TREATMENT WITH ASSOCIATED PRODUCTIVITY FACTORS

The acreage of cropland upon a farm in 1939 and in 1940 shall be classified according to its use or treatment in such

year and shall receive appropriate productivity factor as follows:

1. Cropland Not Planted

- a. Cropland idle and bare during season..... -2.0
- b. Cropland idle but not bare nor fallowed during season..... -0.5
- c. Cropland fallowed during season..... -2.0

2. Cropland Planted to Field Crops for Harvesting Within the Crop Year

- a. Field corn for silage or grain harvested or hogged off..... -2.0
- b. Winter-grains (wheat, rye) harvested as grain, hay, or pasture, including hogged off..... -1.0
- c. Spring or summer seeded small grains (oats, barley, flax, buckwheat) harvested as grain, hay or pasture..... -0.9
- d. Soybeans or cowpeas harvested as seed or hay..... -0.5
- e. Sudan grass harvested as hay or pasture..... -1.5
- f. Millet harvested as hay or pasture..... -1.5
- g. Sorghums for harvesting..... -2.0
- h. Rape for pasture..... -1.0
- i. Cropland planted to a crop for harvesting within the crop year, not fall plowed but bare of sod or of winter cover crop as of October 31, 1940. (This factor to be applied in addition to any other factor applicable to such cropland.)..... -0.5

3. Cropland on Which Is Growing a Good Stand of Hay or Pasture Plants

For a land use to be classified as producing one of the crops listed in this subsection 3, at least 75 percent of the stand must be of that particular crop.

- a. Alfalfa, stand in year of seeding..... +1.5
- b. Alfalfa, 2nd year stand..... +1.0
- c. Alfalfa, 3rd year stand..... +0.5
- d. Alfalfa, 4th year, and more, stand..... 0.0
- e. Sweet clover (biennial), year of seeding..... +1.5
- f. Sweet clover, 2nd year of growth, pastured or cut for hay..... +1.0
- g. Sweet clover, 2nd year of growth, not pastured or cut for hay..... +1.5
- h. Clovers (red, mammoth, alsike), year of seeding..... +1.0
- i. Clovers (red, alsike, mammoth), 2nd year of growth, pastured or cut for hay..... +1.0
- j. Clovers (red, alsike, mammoth), 2nd year of growth, not pastured or cut for hay..... +1.5
- k. Alfalfa-grass mixtures, year of seeding..... +1.5
- l. Alfalfa-grass mixtures, 2nd year of growth..... +0.5
- m. Alfalfa-grass mixtures, 3rd year of growth..... +0.5
- n. Alfalfa-grass mixtures, 4th year of growth..... 0.0
- o. Clover-grass mixtures, year of seeding..... +0.5
- p. Clover-grass mixtures, 2nd year of growth..... +0.5
- q. Timothy, orchard grass, or mixtures regardless of year of seeding..... 0.0
- r. Bluegrass and other permanent pasture grasses..... 0.0
- s. Lespedeza, cut for hay or pastured..... +0.5
- t. Lespedeza, not cut for hay or pastured..... +1.0

In order to receive plus productivity factors, all seedings of red clover and any mixtures containing red clover must be made with adapted red clover seed, and all seedings of alfalfa and any mixtures containing alfalfa must be made with adapted alfalfa seed, the origin of which must be certified. Red clover and alfalfa seed grown in Canada and in the follow-

ing States will be regarded as adapted: Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

Red clover and alfalfa seed grown in the following counties of the following States also will be regarded as adapted: The counties of Baker, Crook, Deschutes, Gilliam, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Walla, Wasco, and Wheeler in the State of Oregon; the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman in the State of Washington. Red clover and alfalfa seed grown in counties in Oregon and Washington other than those enumerated in this paragraph and alfalfa grown in Oklahoma will be regarded as adapted if certification is made by the State Crop Improvement Association of the State where the seed was produced in the State and was produced from parent seed of Ohio red clover or Tennessee anthracnose-resistant red clover or parent seed of hardy adapted alfalfa and if the certification tag attached to the seed is filed with the county committee in cases where quantities of 100 pounds or more are purchased. Any of these crops grown from unadapted seed planted between November 1, 1939, and October 31, 1940, shall receive a productivity factor of zero.

4. Cropland Into Which Is Incorporated a Green Manure or a Residue Crop

a. Sweet clover, 2nd year of growth, not pastured, plowed under green prior to June 1.....	+1.0
b. Sweet clover, 2nd year of growth, not pastured nor cut for hay or seed, plowed under after June 1.....	+2.0
c. Alfalfa, 2nd or more years of growth, not pastured and plowed under green prior to June 1.....	+1.0
d. Alfalfa, 2nd or later years of growth, not pastured nor cut for hay or seed, plowed under green after June 1.....	+2.0
e. Clovers (red, alsike, mammoth), 2nd year of growth, not pastured and plowed under green prior to June 1.....	+0.75
f. Clovers (red, alsike, mammoth), 2nd year of growth, not pastured nor cut for hay or seed, plowed under after June 1.....	+1.75
g. Soybeans, cowpeas, or vetch, entire plant plowed under in bloom stage.....	+1.5
h. Rye, wheat, or buckwheat, not pastured, plowed under green with at least sixty days of growth.....	+0.5
i. Sweet corn, entire stalk and leaves plowed under green after removal of ears (this factor in addition to that indicated under subsection 5, this Section III).....	+0.5
j. Field corn, drilled solid and entire plant plowed under green in tassal stage.....	+1.5

5. Cropland Planted to Vegetables and Special Crops for Harvesting Within the Crop Year

a. Popcorn for harvesting.....	-1.5
b. Sweet corn harvested for market or canning.....	-1.5
c. Sweet corn for other uses.....	-2.0
d. Tomatoes for harvesting.....	-2.0
e. Irish potatoes for harvesting.....	-2.0
f. Sweet potatoes for harvesting.....	-2.0
g. Onions for harvesting.....	-2.0
h. Melons for harvesting.....	-2.0
i. Pumpkins for harvesting.....	-2.0
j. Cucumbers for harvesting.....	-2.0
k. Cabbage for harvesting.....	-1.5
l. Canning peas for harvesting.....	-0.5
m. Field peas for harvesting.....	-0.5
n. Field beans for harvesting.....	-0.5
o. Turnips for harvesting.....	-2.0
p. Vegetables not listed above or mixtures of vegetables.....	-2.0

6. Cropland Occupied by Fruit or Forest Tree Plantings

a. Noncommercial Orchards (entire acreages) (Orchards interplanted, in addition to this factor shall receive the factor assigned to the interplanted crop for the acreage of such interplanted crop.).....	-2.5
b. Cane and Bush Fruits.....	-2.0
c. Rhubarb.....	-1.0
d. Asparagus.....	-1.0
e. Forest Trees and Windbreaks.....	0.0

7. Commercial Fertilizer Applied to Cropland

a. For each 100 lbs. of single strength commercial fertilizer.....	+0.07
b. For each 100 lbs. of 1½ strength commercial fertilizer.....	+0.11
c. For each 100 lbs. of double strength commercial fertilizer.....	+0.15
d. For each 100 lbs. of other commercial fertilizer credit in accordance with its proportional strength based on the officially registered, guaranteed analysis.	

*NOTE: 20 units of plant nutrients constitute a single strength fertilizer. Example: 2-12-6, 2-16-2, 0-14-6, 0-20-0.

No credit will be given for the application of any fertilizer not guaranteed by the manufacturer and registered with the Ohio State Department of Agriculture in conformity with the Ohio State Fertilizer Control Law. For application upon cropland of fertilizing materials which are furnished to the farmer by any State or Federal agency credit will be given subject to the provisions of subsection 3, Section VII.

8. Limestone Applied to Cropland

a. For each 1,000 lbs. of "agricultural ground limestone" possessing a neutralizing power of 90 to 108.....	+0.25
b. For each 1,000 lbs. of "agricultural meal" possessing a neutralizing power of 90 to 108.....	+0.20
c. For each 1,000 lbs. of "pulverized limestone" possessing a neutralizing power of 90 to 108.....	+0.30
d. For each 1,000 lbs. of "hydrated lime" possessing a neutralizing power of 120 to 154.....	+0.40
e. For each 1,000 lbs. of "hydrated lime" possessing a neutralizing power of 155 to 175.....	+0.50
f. For each 1,000 lbs. of other types of liming materials of certified neutralizing power, credit in proportion to that for 1,000 lbs. of "agricultural ground limestone."	

Credit will not be given for the application upon cropland of liming materials

unless officially registered and guaranteed in conformity with the provisions of the Ohio Fertilizer Control Law, or unless the neutralizing power has been determined and certified by the Ohio State Soil Testing Laboratory.

For application upon cropland of liming materials which are furnished the farmer by any State or Federal agency credit will be given subject to the provisions of subsection 3, Section VII.

9. Cropland Contour Tilled or Strip Cropped on the Contour

a. Cropland on which intertilled crops are tilled on the contour—a positive productivity factor equal to 30 percent of the erosion factor for such cropland.

b. Cropland strip cropped on the contour with alternate strips of intertilled crops and sown, close-drilled, or sod crops—a positive productivity factor equal to 60 percent of the erosion factor for such intertilled cropland and a positive productivity factor equal to 30 percent of the erosion factor for other negative value crops.

The factors under a and b of this subsection 9 shall apply only to cropland having a slope greater than 2 percent and not in excess of 24 percent, and the same cropland shall not be eligible to receive more than one of such factors.

SECTION IV. PRODUCTIVITY BALANCE VALUES AND EROSION FACTORS

The county committee, in accordance with provisions contained herein and instructions issued by the Agricultural Adjustment Administration, shall establish for each 1940 farm:

1. A 1939 productivity balance value and a 1940 productivity balance value on the basis of percent of slope, uses and treatments of cropland, and types of crops produced in the respective years.

2. An erosion factor for total cropland in the farm on the basis of the slope of the various cropland fields.

SECTION V. CROPLAND CONSERVING PAYMENTS

1. *Maintenance payment.* For each farm in Licking County a cropland maintenance payment scale will be established. A maintenance payment will be made on each farm for which the 1940 productivity balance value is above the lower extreme of this scale. The upper extreme of the payment scale on all farms shall be plus 0.10. The lower extreme of the payment scale shall be minus 0.70 plus 50 percent of the weighted average erosion factor for all the cropland on that farm. The maintenance payment for each acre of cropland shall be equal to 1.50 cents for each point (0.01) by which the 1940 productivity balance value for that farm is above the lower extreme of the payment scale for that farm up to a limit of the number of such points between the lower and upper extremes of the payment scale for that farm.

2. *Building payment.* The cropland building payment for each acre of cropland shall be equal to 2.00 cents for each point (0.01) by which the 1940 productivity balance value is above the 1939 productivity balance value up to a limit of 40 such points.

To be eligible for cropland conserving payments a farm must be in an active state of cultivation in 1940.

SECTION VI. PASTURE LAND CONSERVING PAYMENTS

A pasture conserving allowance shall be established for each farm. This allowance shall be the maximum amount which may be earned in 1940 by the carrying out on a farm of any of the pasture conserving practices listed below. The pasture conserving allowance for a farm shall be 50 cents for each acre of open noncropland pasture. Those farms for which this method of calculation results in a pasture conserving allowance of less than \$3.00 shall have an allowance of \$3.00 established for them. The practices and the conditions under which these practices must be performed in order to earn payment are:

1. *Fertilizing materials.* The application on open noncropland pasture in 1940 of commercial fertilizing materials which are officially registered and guaranteed in conformity with the provisions of the Ohio State Fertilizer Control Law shall earn payments as follows:

- a. For each 100 lbs. single strength commercial fertilizer..... (\$0.50)
(A single strength fertilizer is one for which the summation of the units of plant nutrients equals 20. For example, 2-12-6, 2-16-2, 0-14-6, 0-20-0, etc.)
- b. For each 100 lbs. of 1½ strength commercial fertilizer..... (\$0.75)
- c. For each 100 lbs. of double strength commercial fertilizer..... (\$1.00)
- d. For each 100 lbs. of other strength commercial fertilizer, payment in proportion to its strength in relation to single strength.

2. *Liming materials.* The application on open noncropland pasture between November 1, 1939, and October 31, 1940, of liming materials which are officially registered and guaranteed in conformity with the provisions of the Ohio State Fertilizer Control Law, or such other liming materials for which the neutralizing power has been determined and certified by the State soil testing laboratory shall earn payments as follows:

- a. For each ton of "agricultural ground limestone" possessing a neutralizing power of 90 to 108..... (\$1.50)
- b. For each ton of "agricultural meal" possessing a neutralizing power of 90 to 108..... (\$1.00)
- c. For each ton of "pulverized limestone" possessing a neutralizing power of 90 to 108..... (\$1.80)
- d. For each ton of "hydrated lime" possessing a neutralizing power of 120 to 154..... (\$2.70)
- e. For each ton of "hydrated lime" possessing a neutralizing power of 155 to 175..... (\$3.00)

- f. For each ton of other liming materials of certified neutralizing power, payment in proportion to that for one ton of "agricultural ground limestone".

To be eligible for pasture land conserving payments, practices listed herein must be carried out by such methods as conform to good farm practice. Proof of performance for any practice shall consist of satisfactory evidence that the practice was completed in accordance with conditions specified. Pasture land conserving payments for any practice herein set forth will be subject to the qualifications indicated in subsection 3, Section VII.

SECTION VII. SOIL CONSERVING PAYMENTS FOR TREE PLANTING

Each farm in Licking County shall be eligible for payment in 1940 for the planting between November 1, 1939, and October 31, 1940, of forest trees or windbreaks on farm land at the rate of \$7.50 per acre, provided these plantings are made with acceptable species, classes of stock, rates of planting, and are properly protected. An allowance of \$30.00 will be computed for each farm for planting trees. Payments for tree planting shall be subject to the following qualifications:

1. That in the case of forest tree plantings there is, on the date as of which final inspection is made for the purpose of determining performance on the farm, a stand of at least 650 living trees per acre; or if due to uncontrollable natural causes a stand of 650 living trees per acre is not obtained on the date as of which final inspection is made for the purpose of determining performance on the farm, there is satisfactory evidence that such trees were planted in accordance with good tree culture and that such trees have been properly protected.

2. That in the case of windbreak, or shelterbelt plantings, there is on the date as of which final inspection is made for the purpose of determining performance on the farm, a stand of at least 300 living trees per acre, or if due to uncontrollable natural causes a stand of 300 living trees is not obtained on the date as of which final inspection is made for the purpose of determining performance on the farm, there is satisfactory evidence that such trees were planted in accordance with good tree culture practice and that such trees have been properly protected.

3. Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency, other than the Agricultural Adjustment Administration, shall not be counted as a practice eligible for payment under this section. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency, and such portion represents one-half or more of the

total cost of carrying out such practice, such practice shall not be counted as a practice eligible for payment under this section; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted as a practice eligible for payment under this section: *Provided*, That labor, seed, trees, and materials furnished to a State, a political subdivision of a State, or any agency thereof by any agency of the same State shall not be deemed to be furnished by "any State... agency" within the meaning of this paragraph. If trees are purchased from a Clark-McNary Cooperative State Nursery, such purchases shall not be deemed to be paid for in whole or in part by a State or Federal agency.

SECTION VIII. DIVISION OF PAYMENTS

The share of any person in any payments computed with respect to any farm in Licking County, subject to the provisions of Sections IX, X, and IX, shall be determined in accordance with the methods specified in this Section VIII.

1. *Cropland conserving payments.* The payment computed for any farm with respect to cropland conserving payments shall be divided among the landlords and tenants in the same proportion (as indicated by their acreage shares expressed in terms of either proportionate acreages or percentages) that such persons are entitled, at the time the crops are harvested, to share in the proceeds (other than a fixed commodity payment) of the crops grown on the farm in 1940.

2. *Conserving payments for pasture land and for tree planting.* The amount of payment earned under Section VI and Section VII shall be paid to the landlord or tenant who carried out the practices to earn these payments. If the county committee determines that more than one such person contributed to the carrying out of one or more of such practices on the farm during the period November 1, 1939, to October 31, 1940, inclusive, such payment shall be divided in the proportion that the quantity of practices contributed by each such person bears to the total quantity of practices carried out on the farm during the period November 1, 1939, to October 31, 1940, inclusive. Each person contributing to the practices carried out on a particular acreage shall be deemed to have contributed equally to such practices, unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event credit for such practices shall be divided in the proportion which the county committee determines each such person contributed thereto.

SECTION IX. INCREASE IN SMALL PAYMENTS

The total payment computed for any person for any farm will be increased as follows:

(a) Any payment amounting to 71 cents or less will be increased to \$1.00;

(b) Any payment amounting to more than 71 cents but less than \$1.00 will be increased by 40 percent;

(c) Any payment amounting to \$1.00 or more will be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
\$1 to \$1.99	\$0.40
\$2 to \$2.99	.80
\$3 to \$3.99	1.20
\$4 to \$4.99	1.60
\$5 to \$5.99	2.00
\$6 to \$6.99	2.40
\$7 to \$7.99	2.80
\$8 to \$8.99	3.20
\$9 to \$9.99	3.60
\$10 to \$10.99	4.00
\$11 to \$11.99	4.40
\$12 to \$12.99	4.80
\$13 to \$13.99	5.20
\$14 to \$14.99	5.60
\$15 to \$15.99	6.00
\$16 to \$16.99	6.40
\$17 to \$17.99	6.80
\$18 to \$18.99	7.20
\$19 to \$19.99	7.60
\$20 to \$20.99	8.00
\$21 to \$21.99	8.20
\$22 to \$22.99	8.40
\$23 to \$23.99	8.60
\$24 to \$24.99	8.80
\$25 to \$25.99	9.00
\$26 to \$26.99	9.20
\$27 to \$27.99	9.40
\$28 to \$28.99	9.60
\$29 to \$29.99	9.80
\$30 to \$30.99	10.00
\$31 to \$31.99	10.20
\$32 to \$32.99	10.40
\$33 to \$33.99	10.60
\$34 to \$34.99	10.80
\$35 to \$35.99	11.00
\$36 to \$36.99	11.20
\$37 to \$37.99	11.40
\$38 to \$38.99	11.60
\$39 to \$39.99	11.80
\$40 to \$40.99	12.00
\$41 to \$41.99	12.10
\$42 to \$42.99	12.20
\$43 to \$43.99	12.30
\$44 to \$44.99	12.40
\$45 to \$45.99	12.50
\$46 to \$46.99	12.60
\$47 to \$47.99	12.70
\$48 to \$48.99	12.80
\$49 to \$49.99	12.90
\$50 to \$50.99	13.00
\$51 to \$51.99	13.10
\$52 to \$52.99	13.20
\$53 to \$53.99	13.30
\$54 to \$54.99	13.40
\$55 to \$55.99	13.50
\$56 to \$56.99	13.60
\$57 to \$57.99	13.70
\$58 to \$58.99	13.80
\$59 to \$59.99	13.90
\$60 to \$185.99	14.00
\$186 to \$199.99	(¹)
\$200 and over	(²)

¹ Increase to \$200.

² No increase.

SECTION X. PAYMENTS LIMITED TO \$10,000

The total of all payments for the 1940 programs under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate upon farms and ranching units located within a single State will not exceed \$10,000. The total of all such payments to any person other than an individual, partnership, or estate upon farms, ranching units, and turpentine places in the

United States (including Alaska, Hawaii, and Puerto Rico) will not exceed \$10,000. These limitations will be applied prior to the deduction for association expense in the county or counties for which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, or trust, which was designed to evade, or would have the effect of evading, the provisions of this section.

SECTION XI. DEDUCTION INCURRED ON OTHER FARMS

1. *Other farms in Licking County.* If a person who has made application for payment with respect to any farm in Licking County has an interest as landlord or tenant in any other farm in Licking County which qualifies for neither a maintenance payment nor a building payment as calculated under Section V, the payment which otherwise would be made to such person shall be decreased by an amount equal to such person's share of the deduction with respect to such other farm.

The deduction for each acre of cropland in such other farm shall be equal to 1.50 cents for each point (0.01) by which the 1940 productivity balance value is below the lower extreme of the payment scale.

Any deduction computed for a farm in accordance with the above provision shall be divided among the landlords and tenants in the same proportion (as indicated by their acreage shares expressed in terms of either proportionate acreages or percentages) that such persons are entitled, at the time the crops are harvested, to share in the proceeds (other than a fixed commodity payment) of the crops grown on the farm in 1940.

2. *Other farms in the State.* If the net deductions computed for a landlord or tenant for any farms in a county exceed the net payments computed for him on other farms in the county, the amount of such excess deductions will be deducted from the payment computed for him for other farms in the State if the State committee finds that the crops grown and the practices adopted on the farm for which the deductions are computed substantially offset the contribution to the program made on such other farms.

SECTION XII. DEDUCTION FOR ASSOCIATION EXPENSES

There will be deducted pro rata from the payments for any farm in Licking County all or part of the estimated administrative expenses incurred or to be incurred by the Licking County Agricultural Conservation Association.

SECTION XIII. MATERIALS FURNISHED AS GRANTS OF AID

Whenever it is found practicable, limestone, superphosphate, and other materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in earning cropland conserving payments and pasture conserving payments. Triple superphosphate furnished as a grant of aid must be applied to or in connection with the seeding of perennial or biennial legumes, perennial grasses, winter vetch, lespedeza, or permanent pasture. Wherever such materials are furnished, a deduction from the payment for the farm will be made in the amount of the approximate average cost of such material to the Agricultural Adjustment Administration in the county, State, or other area. Such deductions will be applied first to the payment computed for the person to whom such materials are furnished and any balance of such deductions will be prorated among the payments to other persons sharing in the payment for the farm on which the materials were used.

Material will be furnished only upon a producer's request and agreement on a form prescribed by the Agricultural Adjustment Administration. Such agreement shall provide that (1) in the event the amount of deduction for materials exceeds the amount of the payment subject to deduction, the amount of such difference shall be paid by the producer to the Secretary; (2) if the producer uses the materials in a manner which is not in substantial accord with the purposes for which such materials are furnished, the deduction with respect to the materials misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse; and (3) the finding of the county committee that materials have been used in a manner which is not in substantial accord with the purposes for which materials are furnished, and as to the amount of the material so misused, shall be final when approved by the State Committee, subject to the right of appeal.

SECTION XIV. GENERAL PROVISIONS RELATING TO PAYMENTS

A. *Payment restricted to effectuation of purposes of the program.* 1. All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned: (a) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs; (b) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized;

or (c) if for forest land or woodland owned or controlled by him, he has adopted any practice which is found contrary to sound conservation practices.

2. No payments other than payments for pasture improvement and tree planting will be computed for any farm which is not being operated in 1940. Instructions for determining whether a farm is being operated in 1940 will be issued by the State committee with the approval of the Agricultural Adjustment Administration. As a minimum requirement the instructions will provide that a farm will not be considered as operated in 1940 unless:

a. An acreage of land equal to at least 25 percent of the cropland for the farm is devoted to one or more of the following uses:

(1) Seeded to a crop for harvest in 1940.

(2) A crop (other than wild hay) is harvested in 1940.

(3) Devoted in 1940 to seeded legumes or grasses (legumes or grasses seeded in a workmanlike manner in 1940, other than those seeded in the fall of 1940, will be counted).

(4) Seeded to small grains to be pastured in 1940 (other than small grains seeded in the fall of 1940).

b. The State committee finds that normal cropping operations were prevented by conditions beyond the control of the operator, or

c. Upon recommendation of the State committee, the regional director finds that the farm is actually being operated in 1940.

B. Payment computed and made without regard to claims. Any payment or share of payment will be computed and made without regard to questions of title under State law, without deduction of claims for advances (except assignments approved on a form prescribed by the Agricultural Adjustment Administration and indebtedness to the United States subject to set-off) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

C. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices. If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants and the change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program for the farm will not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940, if

the county committee certifies that the change is not justified and disapproves it.

If on any farm the number of share tenants in 1940 is less than the average number on the farm during the three years 1937 to 1939, inclusive, and this reduction would increase the payments that otherwise would be made to the landlord or operator, the payments to the landlord or operator will not be greater than the amount that otherwise would be made if the county committee certifies that the reduction is not justified and disapproves it.

If the State committee finds that any person who files an application for payment under the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which the person normally would be entitled, any payment which would otherwise be made to him under the 1940 program may be withheld by the Secretary in whole or in part from the person participating in or employing the scheme or device, or the person may be required by the Secretary to refund any payment in whole or in part.

D. Assignments. Any person who may be entitled to any payment in connection with the 1940 program may assign the payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No assignment will be recognized unless the assignment is made in writing on a form prescribed by the Agricultural Adjustment Administration and in accordance with instructions issued by the Agricultural Adjustment Administration, and unless it is entitled to priority.

E. Excess cotton acreage. Any person who knowingly plants cotton on his farm in 1940 in excess of the cotton allotment established for the farm will not be eligible for any payment under the provisions of the 1940 program. This provision is applicable regardless of the location of the farm on which cotton is planted. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1940 in excess of the cotton allotment for the farm will be presumed to have knowingly planted cotton on his farm in excess of the cotton allotment if notice of the allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless he established the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. The notice, if mailed to the operator of the farm, will be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

SECTION XV. APPLICATION FOR PAYMENT

1. *Farms for which payment will be made.* A net payment will be computed

for any person for a farm only if a Farm Plan for Participation in the 1940 Agricultural Conservation Program, on a form prescribed by the Agricultural Adjustment Administration is executed for the farm and received by the county committee on or before May 1, 1940.

If for any farm such form is not executed and received by this date, no payment will be made to any person for the farm. However, if for such farm a net deduction is computed for any person, the amount of such deduction shall be deducted from any net payment computed for such person for any other farm in the county.

2. *Persons eligible to file applications.* An application for payment for a farm may be made by any person for whom, under the provisions of Section VIII, a share in the payment on the farm may be computed, and (a) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (b) who is owner or operator of such farm and participates thereon in 1940 in carrying out pasture land practices or tree planting practices.

3. *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the county office on or before March 31, 1941. The right is reserved by the Secretary (a) to withhold payment from any person who fails to file any form or furnish any information required for any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (b) to refuse to accept any application for payment if any form or information required is not submitted to the county office within a fixed time. At least two weeks' notice to the public will be given of the expiration of a time limit for filing prescribed forms. Such notice will be given by mailing it to the office of each county committee and making copies available to the press.

4. *Application for other farms.* If a person has the right to receive all or a portion of the crops produced on more than one farm in Licking County and makes application for payment on one of such farms, he must make application for payment on all such farms. Upon request by the State committee any person will file with the committee any information it may request regarding any other farm in the State on which he has the right to receive all or a portion of the crops, or which he rents to another for cash.

SECTION XVI. APPEALS

Any person may, within 15 days after notice is forwarded to or available to him, request the county committee in writing to reconsider its recommendation or determination on any of the following matters affecting any farm in which he has an interest as landlord or tenant: (a) Eligibility to file an application for payment; (b) any soil-

depleting acreage allotment, normal or actual yield, measurement, or productivity balance value; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment for the farm. The county committee will notify such person of its decision in writing within 15 days after receipt of the written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee will notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the North Central Division to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee will also be issued to each person known to it who, as landlord or tenant, having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord or tenant, having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal will be given a full and fair hearing if he appears when the hearing thereon is held.

SECTION XVII. BULLETINS, INSTRUCTIONS AND FORMS

The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issue such bulletins, instructions, and forms, as may be required pursuant to the provisions hereof in administering the 1940 Licking County program.

Done at Washington, D. C., this 22d day of March 1940. Witness my hand and seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-1208; Filed, March 23, 1940; 9:09 a. m.]

Rural Electrification Administration.

[Administrative Order No. 438]

AMENDMENT OF PRIOR ALLOCATIONS OF FUNDS FOR LOANS

MARCH 11, 1940.

I hereby amend:

(a) Administrative Order No. 128, dated August 24, 1937, by reducing the

No. 59—5

allocation of \$100,000 therein made for "Arkansas 8011B Jackson" by \$70,000, so that the reduced allocation shall be \$30,000; and

(b) Administrative Order No. 357, dated June 19, 1939, by reducing the allocation of \$141,000 therein made for "Arkansas R9013C1 Johnson" by \$5,000, so that the reduced allocation shall be \$136,000; and

(c) Administrative Order No. 306, dated November 3, 1938, by reducing the allocation of \$282,000 therein made for "Georgia R9045B1 Sumter" by \$50,000, so that the reduced allocation shall be \$232,000; and

(d) Administrative Order No. 290, dated September 16, 1938, and the last paragraph of Administrative Order No. 300, dated October 11, 1938, by reducing the allocation of \$300,000 therein made for "Georgia 9086A1 Seminole" by \$65,000 so that the reduced allocation shall be \$235,000; and

(e) Administrative Order No. 332, dated March 31, 1939, by reducing the allocation of \$35,000 therein made for "Indiana R9008B2 Wabash" by \$2,000, so that the reduced allocation shall be \$33,000; and

(f) Administrative Order No. 321, dated February 20, 1939, by reducing the allocation of \$200,000 therein made for "Indiana R9033C1 Hendricks" by \$5,000, so that the reduced allocation shall be \$195,000; and

(g) Administrative Order No. 267, dated July 7, 1938, and Administrative Order No. 273, dated July 19, 1938, by reducing the allocation of \$265,000 therein made for "Indiana 9080B1 Noble" by \$2,000, so that the reduced allocation shall be \$263,000; and

(h) Administrative Order No. 312, dated December 12, 1938, by reducing the allocation of \$46,000 therein made for "Indiana R9088A2 Kosciusko" by \$5,000, so that the reduced allocation shall be \$41,000; and

(i) Administrative Order No. 415, dated December 1, 1939, by rescinding the allocation of \$5,000 therein made for "Iowa 7070W1 Osceola"; and

(j) Administrative Order No. 301, dated October 18, 1938, by reducing the allocation of \$214,000 therein made for "Nebraska R9026B1 Platte" by \$90,000, so that the reduced allocation shall be \$124,000; and

(k) Administrative Order No. 314, dated December 29, 1938, by reducing the allocation of \$306,000 therein made for "Nebraska R9066A1 Thurston" by \$10,000, so that the reduced allocation shall be \$296,000; and

(l) Administrative Order No. 314, dated December 29, 1938, by changing the designation "Nebraska R9066A1 Thurston" appearing therein to read "Nebraska R9066A1 Nebraska District Public"; and

(m) Administrative Order No. 345, dated May 13, 1939, by reducing the

allocation of \$183,000 therein made for "North Dakota R9011D1 Cass" by \$10,000, so that the reduced allocation shall be \$173,000; and

(n) Administrative Order No. 398, dated October 6, 1939, by changing the designation "Texas 0007D1 B. C. L. & P." appearing therein to read "Texas 0007D1 Bell"; and

(o) Administrative Order No. 368, dated June 30, 1939, by rescinding the allocation of \$5,000 therein made for "Washington 0028W1 Kittitas"; and

(p) Administrative Order No. 360, dated July 19, 1939, by reducing the allocation of \$78,000 therein made for "Wyoming 0009A1 Uinta" by \$5,000, so that the reduced allocation shall be \$73,000.

ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 40-1201; Filed, March 22, 1940; 12:10 p. m.]

[Administrative Order No. 439]

AMENDMENT OF PRIOR ALLOCATIONS OF FUNDS FOR LOANS

MARCH 11, 1940.

I hereby amend:

(a) Administrative Order No. 311, dated December 3, 1938, by reducing the allocation of \$300,000 therein made for "Arkansas R9022A1 Clay" by \$45,000, so that the reduced allocation shall be \$255,000; and

(b) Administrative Order No. 388, dated September 8, 1939, by reducing the allocation of \$362,000 therein made for "Georgia 0022E1 Colquitt" by \$10,000, so that the reduced allocation shall be \$352,000; and

(c) Administrative Order No. 279, dated August 18, 1938, by reducing the allocation of \$419,000 therein made for "Georgia R9066C1 Taylor" by \$25,000, so that the reduced allocation shall be \$394,000; and

(d) Administrative Order No. 388, dated September 8, 1939, by reducing the allocation of \$306,000 therein made for "Georgia 0074C1 Jefferson" by \$5,000, so that the reduced allocation shall be \$301,000; and

(e) Administrative Order No. 374, dated July 14, 1939, by reducing the allocation of \$211,000 therein made for "Georgia 0083C1 Jackson" by \$25,000, so that the reduced allocation shall be \$186,000; and

(f) Administrative Order No. 299, dated October 8, 1938, by reducing the allocation of \$163,620 therein made for "Georgia 9087A2 Tattnall" by \$35,000, so that the reduced allocation shall be \$128,620; and

(g) Administrative Order No. 388, dated September 8, 1939, by reducing the allocation of \$30,000 therein made for "Indiana 0024C1 Carroll" by \$10,000,

so that the reduced allocation shall be \$20,000; and

(h) Administrative Order No. 325, dated March 11, 1939, by reducing the allocation of \$91,000 therein made for "Mississippi R9036B1 Marion" by \$5,000, so that the reduced allocation shall be \$86,000; and

(i) Administrative Order No. 408, dated November 6, 1939, by reducing the allocation of \$106,090 therein made for "Missouri 9049A2 Howell" by \$5,000, so that the reduced allocation shall be \$101,090; and

(j) Administrative Order No. 292, dated September 27, 1938, by reducing the allocation of \$177,000 therein made for "New Mexico R9008A1 Roosevelt" by \$10,000, so that the reduced allocation shall be \$167,000; and

(k) Administrative Order No. 388, dated September 8, 1939, by reducing the allocation of \$88,000 therein made for "North Carolina 0021D1 Sampson" by \$5,000, so that the reduced allocation shall be \$83,000; and

(l) Administrative Order No. 393, dated September 27, 1939, and Administrative Order No. 430, dated February 2, 1940, by reducing the allocation of \$229,000 therein made for "North Dakota 0019B1 Grand Forks" by \$5,000, so that the reduced allocation shall be \$224,000; and

(m) Administrative Order No. 402, dated October 17, 1939, by reducing the allocation of \$41,000 therein made for "Oklahoma 0006D1 Caddo" by \$25,000, so that the reduced allocation shall be \$16,000; and

(n) Administrative Order No. 75, dated March 24, 1937, by reducing the allocation of \$161,000 therein made for "Oklahoma 14 Love" by \$5,000, so that the reduced allocation shall be \$156,000; and

(o) Administrative Order No. 290, dated September 16, 1938, by reducing the allocation of \$132,000 therein made for "Oregon R9017A1 Douglas" by \$2,500, so that the reduced allocation shall be \$129,500; and

(p) Administrative Order No. 398, dated October 6, 1939, by reducing the allocation of \$89,000 therein made for "Texas 0084B1 Hall" by \$10,000, so that the reduced allocation shall be \$79,000; and

(q) Administrative Order No. 290, dated September 16, 1938, by reducing the allocation of \$137,000 therein made for "Utah R9006A1 Garfield" by \$5,000, so that the reduced allocation shall be \$132,000; and

(r) Administrative Order No. 393, dated September 27, 1939, by reducing the allocation of \$139,000 therein made for "Wisconsin 0027C1 Buffalo" by \$10,000, so that the reduced allocation shall be \$129,000.

ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 40-1202; Filed, March 22, 1940; 12:10 p. m.]

[Administrative Order No. 440]

ALLOCATION OF FUNDS FOR LOANS

MARCH 11, 1940.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arkansas R9013W1 Johnson	\$5,000
Indiana R9008W1 Wabash	2,000
Indiana R9033W1 Hendricks	5,000
Indiana R9089W1 Noble	2,000
Indiana R9088W1 Kosciusko	5,000
Nebraska R9066W1 Nebraska District Public	10,000
North Dakota R9011W4 Cass	10,000
Wyoming 0009W2 Uinta	5,000

ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 40-1203; Filed, March 22, 1940; 12:10 p. m.]

[Administrative Order No. 441]

ALLOCATION OF FUNDS FOR LOANS

MARCH 11, 1940.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Georgia 0022W3 Colquitt	\$10,000
Georgia 0074W3 Jefferson	5,000
Indiana 0024W1 Carroll	10,000
Mississippi R9036W2 Marion	5,000
Missouri 9049W1 Howell	5,000
New Mexico R9008U1 Roosevelt	10,000
North Carolina 0021W2 Sampson	5,000
North Dakota 0019W3 Grand Forks	5,000
Oklahoma 0006R1 Caddo	25,000
Oklahoma 7014W2 Love	5,000
Oregon R9017W1 Douglas	2,500
Texas 0084W2 Hall	10,000
Utah R9006W2 Garfield	5,000
Utah 0008W3 Duchesne	5,000
Wisconsin 0027W2 Buffalo	10,000

ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 40-1204; Filed, March 22, 1940; 12:10 p. m.]

[Administrative Order No. 442]

ALLOCATION OF FUNDS FOR LOANS

MARCH 11, 1940.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Georgia R9094A1 Jones	\$161,000
Georgia 9095A1 Clinch	162,000
Indiana 8037C2 Jay	20,000
Mississippi 8001E1 Monroe	17,000
Missouri R9046A1 Taney	\$50,211
Missouri 8046A2 Taney	97,789
New Jersey 0004B2 Monmouth	25,500

Project designation—Continued.	Amount
New Mexico \$821G1 Otera	\$60,000
North Carolina 0039A2 Union	12,000
South Carolina 9024A2 Marion	20,000
Tennessee 0019K1 Rutherford	20,000
Tennessee 0020E1 Gibson	75,500
Virginia 0029F2 Nelson	15,000
Wisconsin 0057B1 Rusk	28,000

ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 40-1205; Filed, March 22, 1940; 12:10 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 46]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 10 FOR THE LEATHER INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor,

Do hereby accept the resignation of Mr. Edward H. Ball from Industry Committee No. 10 for the Leather Industry and do appoint in his stead as representative for the employers on such Committee, Mr. Philip G. Rhoads, of Wilmington, Delaware.

Signed at Washington, D. C., this 25th day of March 1940.

PHILIP B. FLEMING,
Colonel, Corps of Engineers.
Administrator.

[F. R. Doc. 40-1222; Filed, March 25, 1940; 11:24 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued under Section 14 of the said Act and § 522.5 of Regulations Part 522, as amended, to the employers listed below effective March 26, 1940. These Certificates may be canceled in the manner provided for in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of § 522.13 or § 522.5 (b), whichever is applicable of the aforementioned Regulations.

The employment of learners under these Certificates is limited to the occupations, learning periods, and minimum wage rates specified in the Determination or Order for the Industry designated below opposite the employer's name and published in the FEDERAL REGISTER as here stated:

Regulations, Part 522, May 23, 1939 (4 F.R. 2088), and as amended October 12, 1939 (4 F.R. 4226).

Hosiery Order, August 22, 1939 (4 F.R. 3711).

Apparel Order, October 12, 1939 (4 F.R. 4225).

Knitted Wear Order, October 24, 1939 (4 F.R. 4351).

Textile Order, November 8, 1939 (4 F.R. 4531).

Glove Order, February 20, 1940 (5 F.R. 714).

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Cosgrove Brothers, Inc., 265 Willard Street, Quincy, Massachusetts, apparel, ladies' underwear, 3 learners, October 24, 1940.

Holbrook Corporation, New Britain, Connecticut, apparel, shirts, 5 per cent, October 24, 1940.

Jay-Gee Manufacturing Company, 217 South 5th Street, Perkasi, Pennsylvania, apparel, sportswear, 15 learners, July 23, 1940.

Leask Manufacturing Company, Inc., 109-115 West First Street, Oswego, New York, apparel, bathrobes, 5 learners, October 24, 1940.

Lebanon Shirt Company, Inc., 231 North 9th Street, Lebanon, Pennsylvania, apparel, shirts and sportswear, 5 per cent, October 24, 1940.

R. Q. L. Shirt Company, Broad Street, Lansdale, Pennsylvania, apparel, shirts, 5 learners, October 24, 1940.

The National Garment Company, 47 Lincoln Way, West, Massillon, Ohio, knitted wear, under apparel and sleeping garments, 5 learners, October 24, 1940.

Burrows Manufacturing Company, Inc., Hendersonville, North Carolina, textile, tufted bedspread branch, chenille bedspreads, 5 learners, October 24, 1940.

Burrows Manufacturing Company, Inc., Hendersonville, North Carolina, textile, tufted bedspread branch, chenille bedspreads, 25 learners, October 24, 1940.

Good Luck Glove Company, Carbon-dale, Illinois, glove, work glove division, work gloves, 5 per cent, October 24, 1940.

Good Luck Glove Company, Carbon-dale, Illinois, glove, work glove division, work gloves, 25 learners, July 30, 1940.

Jasper Glove Company, Inc., Jasper, Indiana, glove, work glove division, work gloves, 20 learners, July 30, 1940.

The Paul K. Weil Company, St. Louis, Missouri, glove, knit fabric gloves, 5 learners, October 24, 1940.

The Paul K. Weil Company, St. Louis, Missouri, glove, knit fabric gloves, 10 learners, July 30, 1940.

Indiana Textile Mills Company, Indiana, Pennsylvania, hosiery, full fashioned hosiery, 3 learners, March 26, 1941.

Williamson Hosiery Mills, Englewood, Tennessee, hosiery, seamless hosiery, 2 learners, March 26, 1941.

Signed at Washington, D. C., this 25th day of March 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-1226; Filed, March 25, 1940; 11:48 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE CAP AND CLOTH HAT BRANCH OF THE APPAREL INDUSTRY

Notice is hereby given that a Special Certificate for the employment of learners in the Cap and Cloth Hat Branch of the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 is issued under Section 14 of the said Act, § 552.5 (d) of the Regulations Part 522, as amended, to the employer listed below effective March 26, 1940, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Cap and Cloth Hat Branch of the Apparel Industry under this Certificate is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than two hundred forty hours experience in the past three years upon a stitching operation in the Cap and Cloth Hat Branch of the Apparel Industry.

(2) The employment of learners under this Certificate is limited to the operation of stitching machines and for two hundred forty hours for any one learner. During this period, learners shall be paid at least 25¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 25¢ per hour, but in no case less than 25¢ per hour.

(3) This Special Certificate is issued on representations by the employer that experienced stitching machine operators are not available.

(4) This Special Certificate may be canceled as of the date of its issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that experienced workers have become available. No learner may be employed under this Certificate if hired when an experienced worker was available.

(5) Under this Special Certificate, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

NAME AND ADDRESS OF FIRM, PRODUCT

Empire Cap and Neckwear Company, 908 Broadway, Kansas City, Mo., 3 learners, caps and neckwear.

Signed at Washington, D. C., this 25th day of March 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-1227; Filed, March 25, 1940; 11:48 a. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 28-401-E-1]

IN THE MATTER OF THE APPLICATION OF URABA, MEDELLIN AND CENTRAL AIRWAYS, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

Hearing in the above-entitled proceeding, being the application of Uraba, Medellin and Central Airways, Inc., for a certificate of public convenience and necessity authorizing air transportation between Cristobal, Canal Zone, and Medellin, Colombia, with intermediate stops at Balboa, Canal Zone, and at Turbo, Colombia, which was adjourned on June 8, 1939, will be resumed on April 29, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Mayflower Hotel, Connecticut Avenue and DeSales Street, Washington, D. C., before Examiner Frank A. Law, Jr.

Dated Washington, D. C., March 22, 1940.

[SEAL]

FRANK A. LAW, JR.,
Examiner.

[F. R. Doc. 40-1225; Filed, March 25, 1940; 11:32 a. m.]

[Docket No. 243]

IN THE MATTER OF THE APPLICATION OF PENNSYLVANIA-CENTRAL AIRLINES CORP. FOR AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (H) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

Hearing in the above-entitled proceeding, being the application of Pennsylvania-Central Airlines Corp. for an amendment to its certificate of public convenience and necessity for route No. 34 to provide for the transportation of passengers, property and mail between Baltimore, Md., Atlantic City and Camden, N. J., which was adjourned on March 18, 1940, will be resumed on April 1, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th Street NW., Washington, D. C., before Examiner Lawrence J. Kusters.

Dated Washington, D. C., March 22, 1940.

LAWRENCE J. KOSTERS,
Examiner.

[F. R. Doc. 40-1224; Filed, March 25, 1940;
11:32 a. m.]

FEDERAL TRADE COMMISSION.

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

[Docket No. 4016]

IN THE MATTER OF LOUIS GOLDMAN, TRADING AS GLOBE RUMMAGE MART

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, April 8, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 W. Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1219; Filed, March 23, 1940;
11:41 a. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of March, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

[Docket No. 3969]

IN THE MATTER OF W. C. POLLARD, A. L. RIAFF, AND L. M. JENSEN, CO-PARTNERS, TRADING AS NEO-VIM COMPANY AND HI-HO CO.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, April 15, 1940, at ten o'clock in the forenoon of that day (eastern standard time) in Room 322, New Federal Building, Columbus, Ohio.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 40-1218; Filed, March 23, 1940;
11:41 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of March, A. D. 1940.

[File No. 56-66]

IN THE MATTER OF NEW ENGLAND POWER ASSOCIATION

ORDER APPROVING APPLICATION

New England Power Association, a registered holding company, having filed an application pursuant to Section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-12D-1 promulgated thereunder, for approval of a sale by Massachusetts Utilities Associates, a subsidiary of applicant, of 1,368 shares of capital stock of Gardner Gas, Fuel and Light Company, a subsidiary of Massachusetts Utilities Associates, to one Harold E. Greenwood, for the nominal consideration of \$1;

A public hearing having been held on such application as amended, after appropriate notice; the record in this matter having been considered; and the

Commission having filed its findings herein;

It is ordered, That such application as amended be approved subject to the condition that the sale shall be carried out in accordance with the terms and conditions of and for the purposes represented by said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1215; Filed, March 23, 1940;
10:43 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of March, A. D. 1940.

[File No. 56-84]

IN THE MATTER OF CHARLES TRUE ADAMS, TRUSTEE OF THE ESTATE OF UTILITIES POWER & LIGHT CORPORATION; IN THE MATTER OF INDIANAPOLIS POWER & LIGHT COMPANY

FINDINGS AND ORDER

Indianapolis Power & Light Company, a subsidiary of Utilities Power & Light Corporation, a registered holding company, having filed a declaration and amendments thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with respect to amending the Articles of Reorganization of the declarant.

(1) By granting to the holders of the common stock of the company a preemptive or preferential right to subscribe to their proportionate share of any additional shares of common stock of the company sold or offered for sale for a consideration payable in cash, whether now or hereafter authorized and to any obligations or preferred stock convertible into common stock of the company, issued or sold for a consideration payable in cash; and

(2) By dividing the number of directors of the company into three classes, the first class to consist of four directors to be elected for a term of three years, the second class to consist of four directors to be elected for a term of two years and the third class to consist of three directors to be elected for a term of one year, and upon the expiration of the term of office of any class of directors, their successors to be elected for a term of three years, provided that directors elected at the annual meeting in 1942 and at the annual meetings thereafter shall be elected for a term of one year.

A public hearing having been held on such declaration, after appropriate notice; the record in this matter having been considered; the Commission finding that the requirements of Section 7 (g) are satisfied, and not finding that such

exercise of such privilege or right will result in an unfair or inequitable distribution of voting power among holders of the securities of the declarant or is otherwise detrimental to the public interest or the interest of investors or consumers;

It is ordered, That such declaration be and the same hereby is permitted to become effective forthwith, subject to the following conditions which are hereby imposed on the declarant:

(1) That all necessary action with respect to stockholders entitled to vote on such matters and compliance with the laws of Indiana shall be taken;

(2) That the transaction set forth in the declaration be carried out in all respects in accordance with and for the purposes represented thereby;

(3) That the transaction set forth in the declaration be consummated within 30 days after the date of this order; and

(4) That within 10 days after the consummation of the transaction set forth in the declaration, Indianapolis Power & Light Company shall file with the Commission a certificate of notification showing that the transaction has been effected in accordance with the terms and conditions of and for the purposes represented by said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1213; Filed, March 23, 1940;
10:43 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of March 1940.

[File No. 1-2755]

IN THE MATTER OF GENERAL TELEPHONE
CORPORATION COMMON STOCK, \$20 PAR
VALUE

ORDER GRANTING APPLICATION TO WITHDRAW
FROM LISTING AND REGISTRATION

The General Telephone Corporation pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, \$20 Par Value, from listing and registration on the Los Angeles Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective

at the close of the trading session on April 11, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1214; Filed, March 23, 1940;
10:43 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22d day of March, A. D. 1940.

File No. 1-2852

IN THE MATTER OF PROCEEDING UNDER
SECTION 19 (A) (2) OF THE SECURITIES
EXCHANGE ACT OF 1934, AS AMENDED, TO
DETERMINE WHETHER THE REGISTRATION
OF EDUCATIONAL PICTURES, INC., 60¢
DIVIDEND CUMULATIVE PREFERRED STOCK
\$5 PAR VALUE AND COMMON STOCK \$1
PAR VALUE SHOULD BE SUSPENDED OR
WITHDRAWN

ORDER FOR HEARING AND DESIGNATING
OFFICER TO TAKE TESTIMONY

I

It appearing to the Commission,
That Educational Pictures, Inc., a corporation organized under the laws of the State of Delaware, is the issuer of 60¢ Dividend Cumulative Preferred Stock, \$5 par value, and Common Stock, \$1 par value; and

That said Educational Pictures, Inc., registered such security on the Chicago Board of Trade, a national securities exchange, by filing on or about April 9, 1937 an application on Form 10 with the said Exchange and with the Commission, pursuant to Sections 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B-1, as amended, promulgated by the Commission thereunder, which application became effective May 9, 1937 and has remained in effect to and including the date hereof; and

That Rule X-13A-1, promulgated pursuant to Section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to Section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Educational Pictures, Inc.; and

II

The Commission having reasonable cause to believe that,

The said Educational Pictures, Inc. has failed to comply with said Section 13 and said Rules X-13A-1 and X-13A-2 in that it has failed to file its annual report on Form 10-K for the fiscal year ended June 24, 1939; and

III

It being the opinion of the Commission that,

The hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to Section 19 (a) (2) of said Act, that a public hearing be held to determine whether Educational Pictures, Inc. has failed to comply with Section 13 of the Securities Exchange Act of 1934, as amended, and the rules, regulations and forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the 60¢ Dividend Cumulative Preferred Stock, \$5 par value, and Common Stock, \$1 par value, of said Educational Pictures, Inc. on said Chicago Board of Trade;

It is further ordered, Pursuant to the provisions of Section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, Adrian C. Humphreys, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 23d day of April, 1940, at 10:00 A. M. at the Regional Office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1212; Filed, March 23, 1940;
10:42 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of March, A. D. 1940.

[File No. 70-12]

IN THE MATTER OF THE KANSAS POWER AND
LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration and application, pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on April 10, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Moore, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c)

of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 5, 1940.

The matter concerned herewith is in regard to the proposed issuance and sale by said The Kansas Power and Light Company of 139,169 shares of Preferred Stock, 4½% Series, of the aggregate par value of \$13,916,900, such stock to be offered to the holders of the presently outstanding 6% Preferred Stock and 7% Preferred Stock of said company for a limited period of time in exchange for the surrender of a like par value of said 6% and 7% Preferred Stock, such holders to receive cash equal to the difference between the initial public offering price (including accrued dividends to the date of delivery) of the new 4½% Preferred Stock and the redemption price of \$105 per share (plus accrued dividends to July 1, 1940) of the shares of the 6% and 7% Preferred Stock surrendered, the portion of the new 4½% Preferred Stock not issued in connection

with such exchange offer to be issued and sold to the public through underwriters for cash, the cash so received to be applied to the redemption of the outstanding 6% and 7% Preferred Stock of said company not surrendered in connection with the exchange offer.

It is proposed that the exchange offer above mentioned will not be made to North American Light & Power Company, the parent of the applicant which is the holder of 40,533 shares of said 6% stock and of 2,256 shares of said 7% stock. It is stated that North American Light & Power Company will be paid in cash the amount of its investment in said Preferred Stock, that amount being less than the redemption price thereof, in return for the surrender and retirement of the 6% and 7% stock so held by said North American Light & Power Company.

It is further proposed that the rights of the holders of certain outstanding securities of the applicant company will be changed by the vesting in the Preferred Stock of said company of certain additional voting rights and rights of representation.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1216; Filed, March 23, 1940;
10:43 a. m.]